MINUTES (Audio Recording Is Available) BOARD OF ZONING APPEALS May 16, 2013 LAKEWOOD CITY HALL

PRE-REVIEW MEETING 6:00 P.M. LAW CONFERENCE ROOM

Roll Call.

Members Present Others Present

Cynthia Bender Mary Leigh, Secretary, DCD Programs Manager, P&D

Kyle Krewson, Vice Chairman Dru Siley, Director, P&D Jennifer Matousek Kevin Butler, Law Director

James Nagy, Chairman Jason Russell, Project Specialist II, P&D

Samuel O'Leary

Approved the Minutes of the April 18, 2013 Meeting.

A motion was made by Ms. Mateusek, seconded by Mr. O'Leary, to APPROVE the minutes of the April 18, 2013 meeting. All of the members voting yea, the motion passed.

Opening Remarks

Ms. Leigh read the opening remarks. Those who wanted to make statements were advised to state their names, addresses, and sign the oath located on the podium.

NEW BUSINESS

4. Docket 05-23-13

18828 Stoane Avenue Clifton Pointe Phase 2 Townhouses

Scott Dimit, Dimit Architects, applicant requests approval of variances pending passage of Ordinance 8-13, and the requested variances are based on an MH district. Based on a building height of 41 feet, 2 inches, side yard variance eight feet, three inches (8', 3"), front yard variance eight feet, three inches (8', 3"), and rear yard variance 46 feet to the required 50', pursuant to Section 1127.07 – Minimum Yard Requirements for Principal Buildings. The property is located in an R2, Single and Two Family district. (Page 3)

Matthew Sommer, Dimit Architects and Andrew Brickman, Developer for Abode Living were present to explain the request. The proposed five (5) townhouses in Phase 2 would emulate Phase 1 in materials and style. They would be slighter shorter than those in Phase 1; they would measure 41 feet, 3 inches in total, 35 feet high at the actual roof deck and 38 feet at the Sloane Subway elevation. They described the site plan with the request for a 22 foot, 6 inch setback at the front, 22 foot, 6 inch side setback to the corner unit, and a four foot setback at the rear.

Mr. Siley said the proposed redevelopment of the vacant Irish Cottage site to build five units was complimentary to the existing ones in Phase 1. The buildings would be less than 25% lot coverage. The lot was currently zoned R2

(Residential Single and Two Family District), and a request was presented to City Council to change the zoning to MH (Multi-Family, High Density District). Phase 1 was zoned MH currently. City Council referred the request to the Planning Commission (PC) for its review. The Planning Commission granted and referred the request back to City Council with two conditions: 1. The Architecture Board of Review (ABR) approved the design, and 2. The Board of Zoning Appeals (BZA) approved the setback and any variance requests. ABR deferred the request pending detailed landscaping plan and more detail on the fencing along the west; ABR approved the overall design. The house and greenhouse were built in the 1920s and had been non-conforming uses for most of their existence. In 2012, the developer purchased the land for redevelopment. The irregularly shaped lot had grading issues and abutted the railroad tracks. Utilizing the PREZI presentation (made part of record); Mr. Siley described the setbacks as determined by ratios of the height of structures as per MH zoning. He then described the benefits. Under R2, a new residence could be built five feet from the property line, and under MH the nearest unit would be 20 feet from the property line. The proposal was an acceptable economic use of the property.

Mr. Brickman then submitted additional information and photographs ("Abode Phase 2 Clifton Pointe Luxury Ecohomes of Lakewood" - made part of record) and described the materials.

Kevin Butter, Law Director, reminded the public and applicants to state, print and sign their names on the Oath and to state their address, if they wanted to give testimony.

Kevin Brown, 17908 Lake Road, distributed materials (made part of record) to the Board. He read his letter into record. When stating disapproval of the architecture, the Chairman said the architectural aspect of the development was not under the purview of the BZA; that was for ABR. Mr. Brown said he was against the proposal because of the height of the units and setbacks. He felt it was a done deal. He felt the hearing should be for development in an R2 zoning and not as an MH because City Council had not approved the rezoning as of yet. He provided a copy of his neighbor's letter of opposition (Sarah Grotta; 18118 Clifton Boulevard) as she was unable to attend (made part of record). She felt the development would compromise safety, the general welfare of the neighborhood, and adversely affect property values.

Mike Loje, 18159 Clifton Road said the project would adversely affect two neighborhoods. He agreed with the spoken and written statements of his neighbors. The rear of the complex was not acceptable in its present design. He gave letters to the Board from Sarah Grotta and Paul Bjorn (made part of record).

Solvita McMillan, 17904 Lake Road said the project was not aesthetic and harmonious with the existing neighborhood. The Chairman again stated that architecture was not an issue for BZA to decide. She echoed a neighbor's sentiments about safety, welfare and property values being affected adversely for both neighborhoods. The buildings facing Sioane Subway should be lower in height to eliminate any cavernous effect, and the buildings would cause an echo effect from passing trains. She felt the project was a done deal. The project should be based on its own merits, not on the developer's previous projects. She said the land was unstable and subject to landslides. She felt the City should do a study. She felt the entire 214 association property owners should have been notified. The development would have a catastrophic impact to the surrounding area.

Mark Reinhold, 1120 Forest Road said the development was not intended to look like the existing houses. He was in favor of the development. He read statements from a landscape developer of Clifton Park that essentially said there was to be diversity in architectural designs, sizes and lot shapes within the area. He said that Clifton Pointe fulfilled those requirements.

William Farrar, 18829 Sloane Avenue did not know why the Clifton Park residents were so concerned about what was happening on the other side of the railroad tracks. He lived across from Phase 1 and Phase 2 and had no complaints. The height of his 100 year house measured 40 feet. The new buildings were well constructed. The vacant home and greenhouse buildings were an eyesore. He felt it would benefit both neighborhoods. He was in favor of the project.

Mr. Sommer interjected that the Unit 5 was on a separate parcel.

Mr. Siley was troubled about the continued assertion that this was a done deal. He said that the Boards, Commissions, City Council, and all parties involved in the decision making process should be offended. To date, there had been five public hearings, not counting the current evening, and he expected there would be at least two more. The rezoning to an MH had not been approved, and City Council asked the Boards and Commission to make an evaluation based on MH zoning prior to its decision. The City took public safety very seriously. Regarding the road Sloane Subway, police reports were pulled for the past 10 years, and there was one reported accident. A traffic study was not warranted. The City Engineer would make sure ODOT safety standards were meet regarding access to and from the proposed driveway. Geotechnical reports had been produced for Phase 1 and would be done for Phase 2. Storm water management was required with the use of bios swales and underground water storage units. The rooftop decks were still in the ABR approval phase and would be required to reappear before BZA for any needed variances. Mr. Siley said that if BZA approved the request at that evening's meeting, it should be conditional upon City Council's approval for rezoning to an MH.

A motion was made by Mr. O'Leary, seconded by Ms. Matousek, to GRANT the request for variances with the stipulation that City Council APPROVE the rezoning to MH. All of the members voting yea, the motion passed.

Docket 05-12-13

15521-23 Clifton Boulevard

John Garcia, applicant and property owner, requests approval for a one foot (1') variance to the 15 foot maximum height of a garage in order to build a garage 16 feet high, pursuant to Section 1121.05(b) – Height Regulations. The property is located in an R1H, Single Family and High Density district. (Page 17)

John Garcia, applicant was present to explain the request. The space would be used incidental storage.

There were no comments or questions from the Board. Mr. Siley said that City had no objections. There were no comments or questions from the public.

A motion was made by Ms. Bender, seconded by Mr. O'Leary, to **GRANT** the variance as requested. All of the members voting yea, the motion passed.

6. Docket 05-13-13

16118 Clifton Boulevard

John D'Amico, The Great Garage Company, applicant requests approval for a four foot (4') variance to build a two car garage 19 feet in height, pursuant Section 1121.05(b) – Height Regulations. The property is located in an R2, Single and Two Family district. (Page 24)

John D'Amico of The Great Garage Company, applicant was present to explain the request. Mr. D'Amico produced the drawings for the Board and staff's review. The current garage measured 17 feet, 6 inches high. The new garage would be 19 feet at the maximum (could be closer to 18 feet, 6 inches), 22 feet wide, 20 feet deep with an additional six foot kick-out at the rear for access to the upstairs incidental storage area.

Mr. Siley sought verification of 1, the current height, and 2, the storage area would not be a livable space. The City had no objections. There were no comments or questions from the public. There were no comments or questions from the Board.

A motion was made by Mr. Krewson, seconded by Ms. Matousek, to **GRANT** the variance as with the stipulation the storage area was for incidental storage only. All of the members voting yea, the motion passed.

7. Docket 05-14-13

17859 Lake Road

Larry Campana, applicant and property owner, requests approval for a variance to the maximum rear lot area coverage of 25%; rear yard is 2,496 square feet. 25% is 624 square feet, the accessory structure equals 864 square feet, requiring a 240 square foot variance, in order to build a deck – pursuant to section 1121.09(c – Maximum Lot Area Coverage. The property is located in an R1L, Single Family and Low Density district. (Page 27)

Joe Myers, architect for the project, and Larry Campana, applicant were present to explain the request. They wanted to build a two car garage and a covered deck to compliment the back yard. The L-shaped house was on a property that narrowed from the front to the rear. The structure would be screened from the neighbors with the existing fencing and landscaping. The neighbors at the rear of the property had sent a letter of support (made part of record).

Mr. Siley said that City had no objections. There were no comments or questions from the public. There were no comments or questions from the Board.

A motion was made by Ms. Matousek, seconded by Ms. Bender, to **GRANT** the variance as requested. All of the members voting yea, the motion passed.

8. Docket 05-15-13

14412 Detroit Avenue

David Harala, DHA Architects, applicant requests approval to eliminate the required garage parking, pursuant to Schedule 1143.05 – Parking Uses and Space Requirements. The property is located in a C2, Commercial and Retail district. (Page 32)

David Harala, DHA Architects, applicant was present to explain the request. The proposal was to raze the garage and make a parking lot for the second floor tenants and to encourage a restaurant to move into the vacant space. The rear deck would be rebuilt, and the lot repaved. There would be nine parking spots: two for the second floor tenants, and seven spaces for the first floor retail tenants. The garage created a problem for vehicular maneuverability in the rear tot.

Mr. Siley stated that access from Detroit Avenue north into the parking area was very narrow. The surrounding properties would not be negatively impacted by the removal of the garage. It was out of view to the public right-of-way and would be beneficial to the second floor and retail tenants. The City had no objections to the removal of the garage.

There were no comments or questions from the public. The Board asked about storage for the tenants. Mr. Harala replied the second floor tenants had a rear deck on which they kept bicycles and outdoor chairs. The Board asked if all of the nine parking spaces could be used at one time. Mr. Harala said although it was a tight area, parking would be adequate. The Board said it was sensitive to the issue and did not promote the permanent removal of garages, as a rule. Asked for clarification about upstairs tenants, Mr. Harala replied there were two upstairs residential units with one bedroom in each, and one reserved parking space per unit.

A motion was made by Mr. Nagy, seconded by Ms. Matousek, to GRANT the variance as requested. All of the members voting yea, the motion passed.

9. Docket 05-16-13

1186 Cook Avenue

Ryan Mizumoto, property owner and applicant, requests approval for a 56 square foot variance to the maximum lot coverage requirements, pursuant to Section 1123.09 – Maximum Lot Coverage. The property is located in an R2, Single and Two Family district. (Page 36)

Jim Yarmus, Yardman's Home Services, Inc., representative was present to explain the request. Mr. Yarmus said they wanted a deck closer to the privacy fence than what was on the application. Mr. Siley that would require a side yard

setback variance, the item would have to be deferred until the meeting in June, the application would have to be amended, and public notice would have to be done. Mr. Yarmus then continued that the footprint of his client's home was smaller than the neighbors. Without the variance, they would have to eliminate space for the table, grill and benches

Mr. Siley said they met the requirements of the other setbacks, and the City had no objections. There were no comments or questions from the public. The Board asked about the trees along the property line. Mr. Yarmus stated they would remain.

A motion was made by Mr. Krewson, seconded by Mr. O'Leary, to GRANT the variance as requested. All of the members voting yea, the motion passed.

11. Docket 05-18-13

17440 Norton Avenue

Peter A. Hempfling, applicant and property owner, requests approval for a three foot (3") variance to the maximum garage height of 15 feet in order to build a four (4) car, 768 square foot garage, pursuant to Section 1123.05(b) -- Height Regulations. The property is located in an R2, Single and Two Family district. (Page 57)

Peter A. Hempfling, applicant and property owner was present to explain the request. The footprint of the garage had been approved and would be sympathetic to the architecture of the home. The upstairs would be for storage. Letters of support were given to the Board (made part of record).

There were no comments or questions from the public. Mr. Siley said that City had no objections. However, since the department had not a picture of the front of the home for the presentation, a photo was pulled from Google and proved to be outdated.

The Board asked about the use of the extra space. Mr. Hempfling said it would be used for incidental storage only.

A motion was made by Ms. Bender, seconded by Ms. Matousek, to **GRANT** the variance as requested. All of the members voting yea, the motion passed.

12. Docket 05-19-13

2110 Concord Drive

Joseph Spada, applicant and property owner, requests approval for a seven inch (7^*) variance to the required five foot (5^*) side yard setback for placement of an air conditioner; unit to be four feet, five inches $(4^*, 5^*)$ from the property line, pursuant to Schedule 1121.07 – Minimum Yard Requirements for Principal Buildings. The property is located in an R1H, Single and High Density district. (Page 63)

Joseph Spada, applicant and property owner was present to explain the request.

Mr. Siley said the City had no objections. There were no comments or questions from the public. There were no questions from the Board.

A motion was made by Ms. Matousek, seconded by Mr. O'Leary, to GRANT the variance as requested. All of the members voting yea, the motion passed.

13. Docket 05-20-13

12904 Arliss Drive

Josephine Jacqueline A. Salupo, applicant and property owner, requests approval for a two foot (2') variance in order to install a fence eight feet (8') in height, pursuant to Section 1153.02(c) – Regulations. The property is located in an R2, Single and Two Family district. (Page 67)

Jacqueline A. Salupo, applicant and property owner was present to explain the request. The proposed shadow box fence would be eight feet at the posts and drop to six feet at the center of each section between the posts; there would be ten sections. Due to the increase in the cost of wood, the fence might not be as proposed but in a straight line at eight feet. She had spoken with her neighbors, and they did not object.

There were no comments or questions from the public. Mr. Siley noted a discrepancy and asked if the proposed fence was eight feet tall as written on the agenda or seven feet as on the rendering. Ms. Salupo said it was eight feet; she was more concerned about getting approval for the design and was willing to concede to any height granted by the Board. The Board said to make it seven feet high at the posts and six feet in the center.

A motion was made by Ms. Matousek, seconded by Ms. Bender, to GRANT the variance with the stipulation the posts were seven feet high, and the center dropped to six feet. All of the members voting yea, the motion passed.

14. Docket 05-21-13

13840 Lake Avenue

Mark Reinhold, Architect, applicant requests approval for a 119 square foot variance to lot coverage in order to attach the existing garage to the home via an above grade bridge, pursuant to Section 1121.09(a) – maximum Lot area Coverage. The property is located in an R1M, Single Family and Medium Density district. (Page 73)

Mark Reinhold, Architect, applicant was present to explain the request. The terraced garage was built four to five years ago, and the owner wanted a bridge from the house to the garage. A painted wrought steel guard rail would be similar to the fence iron at the existing fence. The bridge would be supported by two eight inch "C" channels with a couple of out breakers for stabilization.

The Board asked if there was any precedence within the City of Lakewood for this type of structure. Mr. Siley said there was no other bridge type, but there were ground level breezeways and arbors similar in in size and scope. Mr. Reinhold stated the tiving and dining rooms were on the second floor of the home in line with the proposed bridge. Mr. Siley said the City had no objections.

There were no comments or questions from the public.

A motion was made by Ms. Bender, seconded by Mr. Krewson, to GRANT the variance as requested. All of the members voting yea, the motion passed.

15. Docket 05-22-13

15603 Madison Avenue Roxu, LLC

Kimberly G. Novotney, Roxu, LLC, applicant requests approval for a variance of six (6) parking spaces from the 11 required for a restaurant seating 42 people, pursuant to Schedule 1143.05 – Parking Uses and Space Requirements. The property is located in a C2, Commercial and Retail district. (Page 76)

Kimberly G. Novotney, Roxu, LLC, applicant was present to explain the request. She proposed to have a sushi and noodle take-out restaurant. The tenants used half of the parking spaces. The situation was the same for the neighboring business. They would operate between 5:00 p.m. and 10:00 p.m. and would not conflict with the bars. Across the street was a city municipal parking lot.

Mr. Sitey explained the calculations and stated the City did not have any objections.

Damon Troyan, owner of the Patio Tavern, had a problem with the parking issues. There were about 40 apartment units with about 14 parking spaces. The meters in the municipal lot had been removed and not replaced; the lot remained a 24 hour parking lot, and the abulting apartment building tenants, surrounding additional apartment tenants

and home owners parked in it taking the spaces from bar patrons. He said he was not opposed to other businesses and wanted to work with the City and business owners to find a solution.

Mr. O'Leary said it was clear there were recurring issues with the parking code that should be revisited by City Council. In regards to the current issue, he supported approval of the variance and explore options.

Ms. Novotney said they would be open 5 p.m. to 10 p.m. Monday through Saturday; she wanted to encourage take-out orders with possible home delivery. There might be space outside the back door that would support a bike rack. The side sidewalk was wider than the front sidewalk.

Ms. Matousek understood the patrons leaving the bars and entering the residential areas was a problem of which she was personally aware residing five houses from Detroit Avenue. The shortage of parking for the night establishments forced patrons to park on the side streets.

Mr. Troyan said a solution would be for the 17 space municipal parking lot to be dedicated for businesses, not residents. Some of the parked cars were there for days without moving.

Mr. Sitey said it was a balancing act. He met with the Madison Uptown group last week, and many problems were being discussed. Under the current ordinance, the monitoring of metered parking ended at 5:00 p.m. Keeping an open dialogue with daytime business owners to use parking for night businesses was critical.

Mr. Krewson asked about bicycle parking. Mr. Siley said a City bike program for businesses existed, and the department was deeply involved in promotion bicycling.

A motion was made by Mr. Nagy, seconded by Mr. O'Leary to GRANT the variance with the stipulation a single U-bicycle rack was installed. All of the members voting yea, the motion passed.

10. Docket 05-17-13

1261 Elbur Avenue

Keith and Laurel Ljubi, applicants and property owners, request approval for a 48 square foot variance to the 480 square foot allowed coverage in order to erect a 528 square foot garage in excess of 25% of the maximum rear yard lot coverage, pursuant to Section 1121.03(a) – Permitted Accessory Uses. The property is located in an R1H, Single and High Density district. (Page 52)

Neither the applicant nor representative was present. Ms. Leigh stated she had no communication from the applicants.

A motion was made by Mr. O'Leary, seconded by Ms. Bender, to DEFER the application until the meeting of June 20, 2013. All of the members voting yea, the motion passed.

ADJOURN

A motion was made by Mr. O'Leary, seconded by Ms. Bender to ADJOURN the meeting at 8:35 p.m. All of the members voting yea, the motion passed.

Signature

Date

Tue 20.

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Oath

I, the undersigned, hereby agree that the testimony I give at this proceeding will be the truth, the whole truth and nothing but the truth:

PRINT NAME:	SIGN NAME:
MATTHEW SOMMEN	Matter been
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3. KEVIN BROWN	Think
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11. DAVID HARALA	Dung & Sarala
Prepared by: 'The City of Lakewood Law Departme	nt, 12650 Detroit Ave., Lakewood, Ohio 44107
FOR CITY USE:	awa
Lakewood Administrative Procedure: ABR/BBS/Sign Comme Tax Appeals Loan Approval Nuisance Abate	
Date of Proceeding: Thusday, Mag	14, 2013





Oath

I, the undersigned, hereby agree that the testimony I give at this proceeding will be the truth, the whole truth and nothing but the truth:

PRINT NAME:	SIGN NAME:
JIM YARMUS	Gen
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Lakewood Administrative Procedure: ☐ ABR/BBS/Sign ☐ ☐ Income Tax Appeals ☐ Loan Approval ☐ Nuisance Abates	Citizens Advisory Civil Service Dangerous Dog
Date of Proceeding: Thursday, Man	16, 2013





Oath.

I, the undersigned, hereby agree that the testimony I give at this proceeding will be the truth, the whole truth and nothing but the truth:

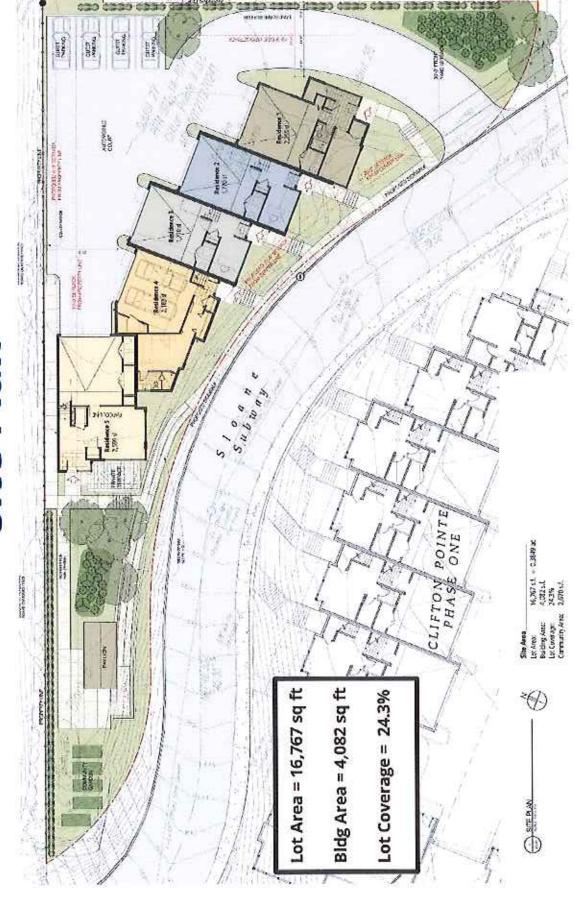
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Lakewood Administrative Procedure: ABR/BBS/Sign Income Tax Appeals Loan Approval Nuisance Abab	□ Citizens Advisory □ Civil S ement Appeals □ Planning ■ Z	orvice 🏻 Dangerous Dog oning Appeals 🖺 Other:
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Proposed Project

Redevelop 18828 Sloane Avenue into 5 market rate townhouses mimicking the design and scale of Clifton Pointe Phase I, located across Sloane Subway



Site Plan



Project History

March 18th - City Council introduces legislation and refers to Planning Commission for review

Council approve rezoning pending Architectural Board of Review April 4th - Planning Commission conditionally recommends City and Board of Zoning Appeals approval of design

May 6th - City Council approves extending CRA designation to include the two parcels of 18828 Sloane

May 9th - Architectural Board of Review agrees with building design and site plan, but defers action pending landscape plan. May 16th - Board of Zoning Appeals to consider variances needed

Property History

1923, but in 2002 began to fall behind on property taxes, The parcel has operated as a non-conforming use since

In 2008, the property was vacated. Delinquent taxes began to accrue and the property fell into disrepair. In 2012, Clifton Pointe LLC purchased the parcel and paid delinquent taxes.

Current Site Photos

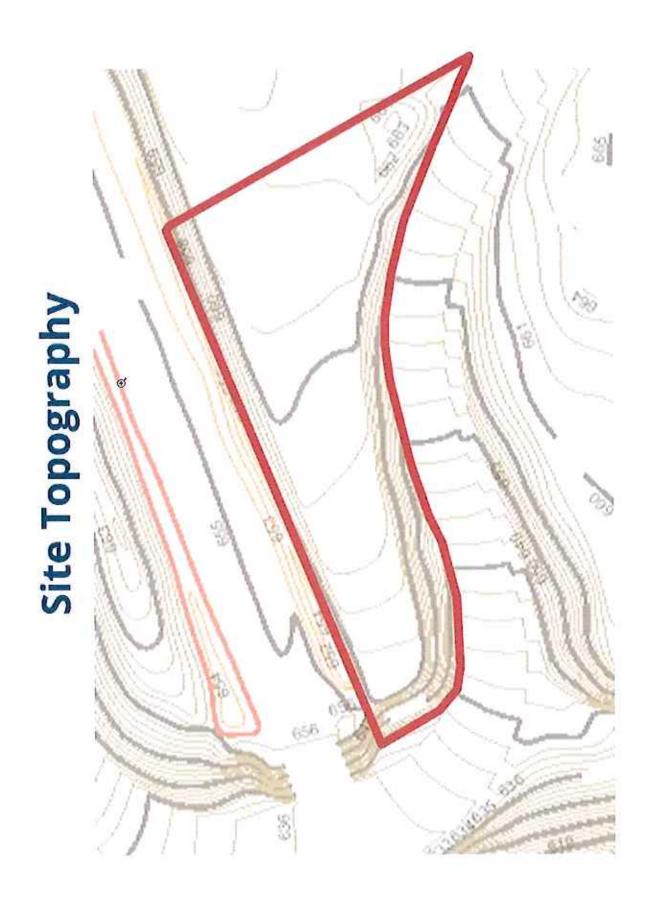












Past Zoning R2: Single and Two Family

Permitted Uses - A single-family dwelling, two-family dwelling, adult family home, a cluster house development

Pending Zoning:

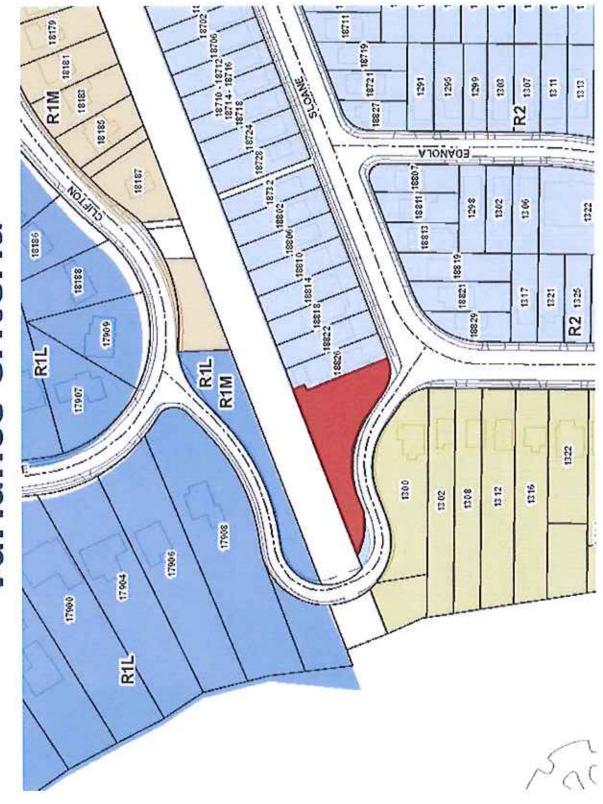
MH District: Multiple-Family, High Density

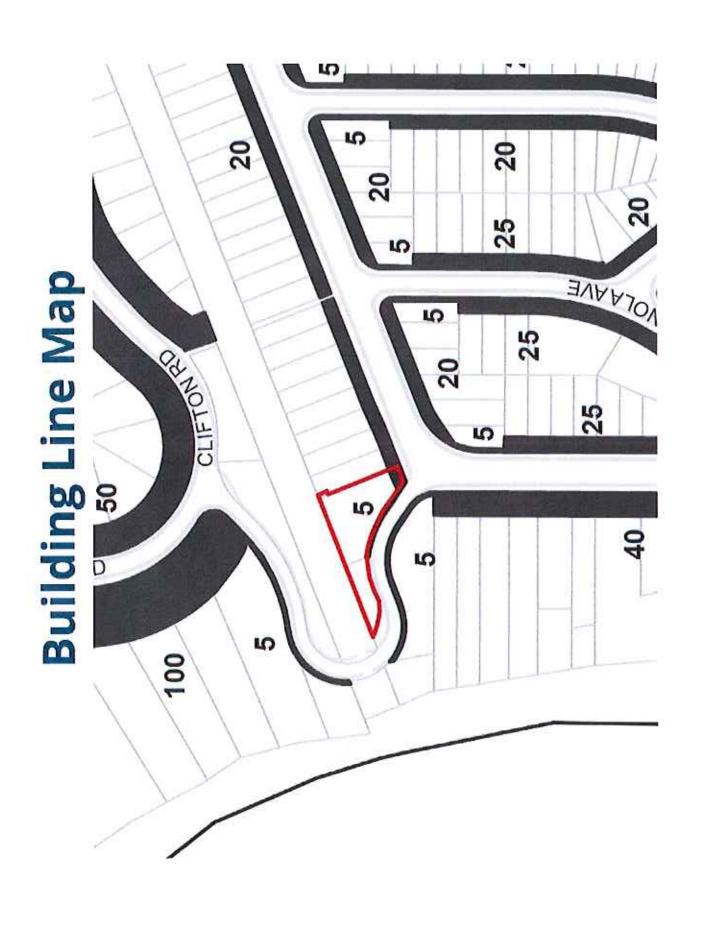
Permitted Uses - A medium density multiple-family residential building, family dwelling, adult family home, adult group home, or cluster house a low density multiple-family residential building, a single- or twodevelopment

Zoning C	Zoning Code Comparison: R2 and MH	2 and MH
Regulation	<u>R2</u>	MH Multiple Family
Front Yard Depth	Building Line Map	Building Line Map
Rear Yard Depth	40 feet	75% of height of building
Side Yard Depth	5 feet	75% of height of building
Max Lot Area Coverage	25% of lot area	25% of lot area
Height Regulation	Not to exceed 35 feet	Controlled by side yards
Minimum Lot Area	5,000 square feet	10,000 square feet

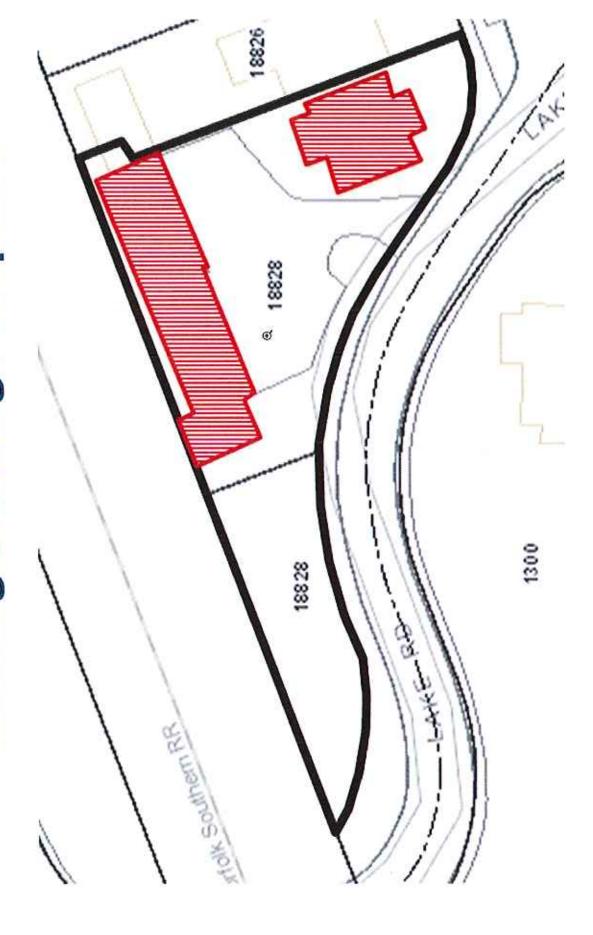
*All permitted accessory uses are same

Variance Criteria

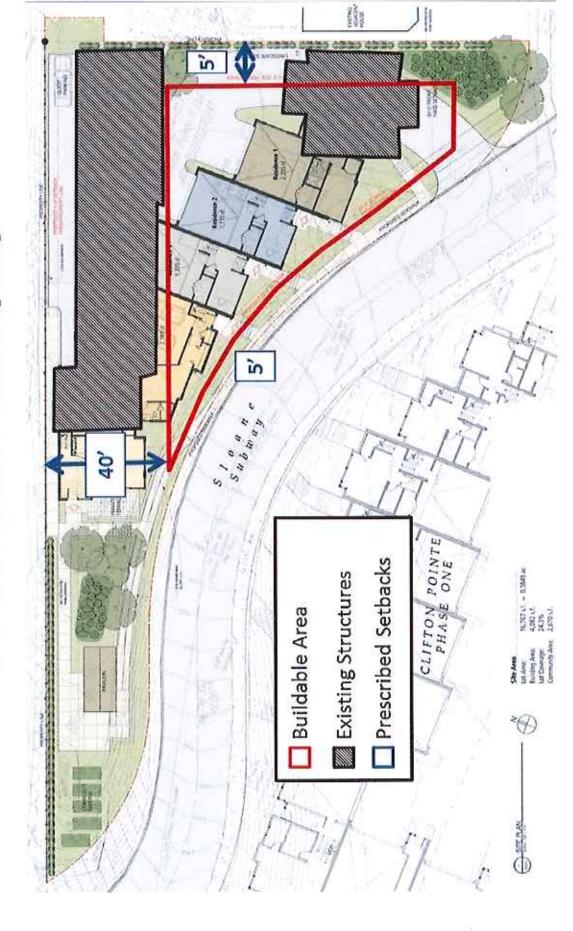




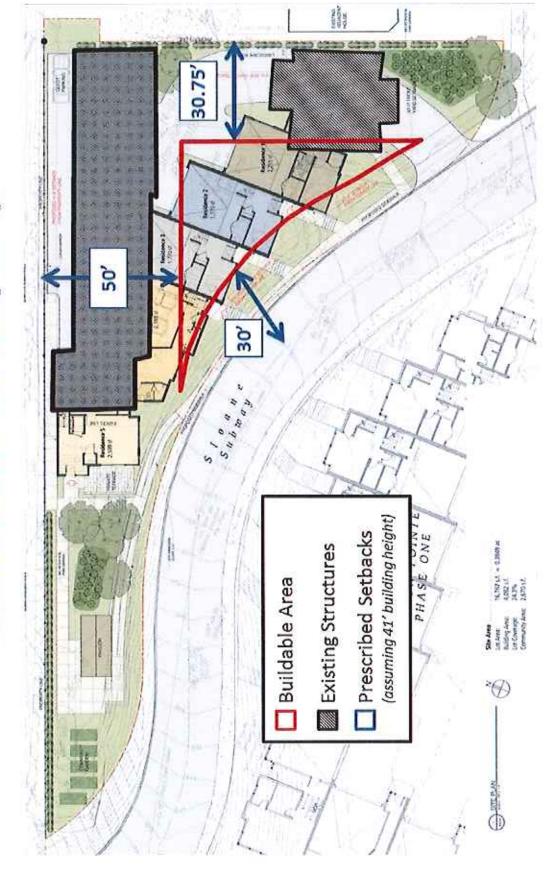
Existing Building Footprint



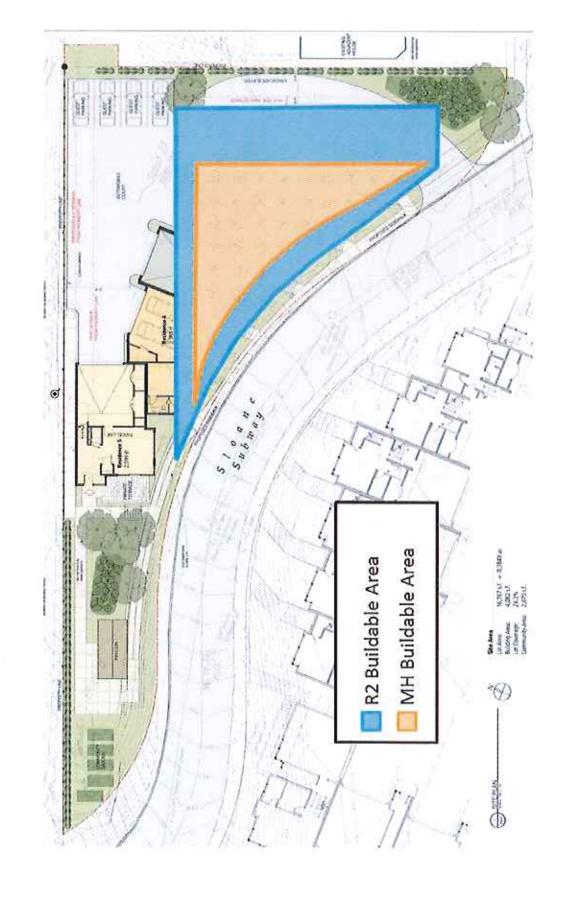
Buildable Area (R2)



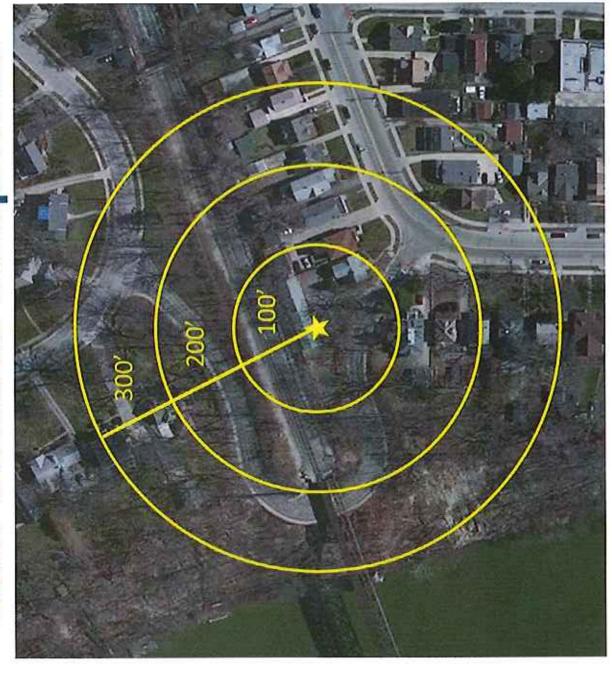
Buildable Area (MH)



Comparison of Buildable Area



Rear Setback Compliance



Variance Summary

- The property is not economically viable as zoned.
- Variances are needed to maximize use of parcel
- Minimal variances sought have little impact to adjacent and abutting properties.
- The spirit of the code is upheld.

Variances Requested

Variance	Required	Requested
Front Setback	30 feet ¹	22 feet 6 inches ¹
Side Setback	30.75 feet ²	22 feet 6 inches
Rear Setback	50 feet	4 feet

¹⁻From the centerline of the street

^{2 -} Assuming 41 foot building height

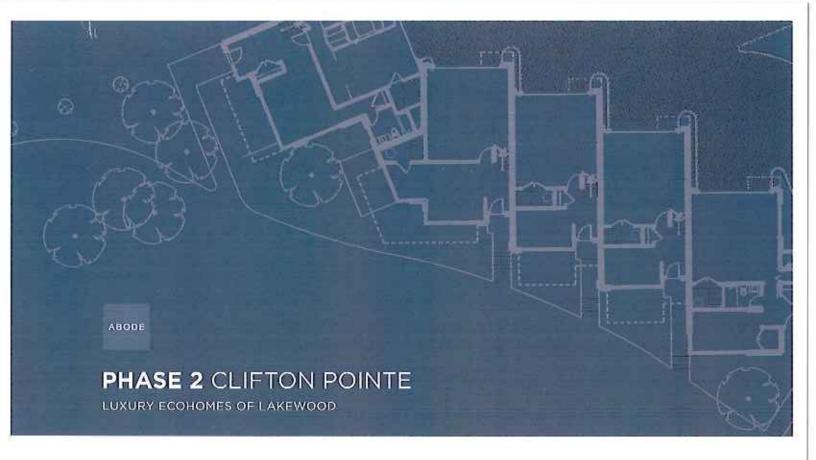
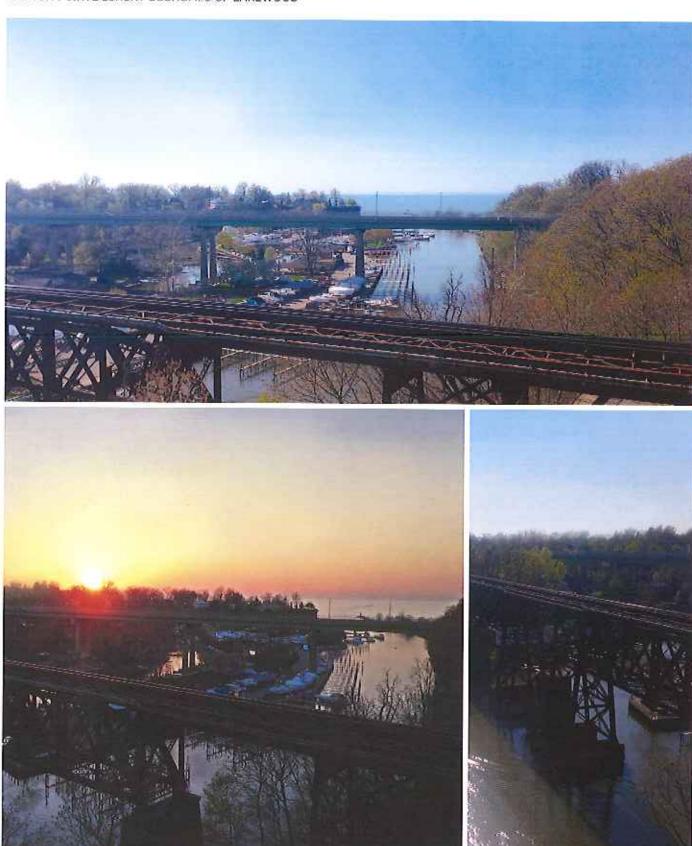


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PHASE 2 | CLIFTON POINTE LUXURY ECOHOMES OF LAKEWOOD



"ABODE IS NOT FOLLOWING TRENDS, IT IS SETTING THEM."



"Having just moved back from Charlotte, we wanted to live in Lakewood, but also wanted new construction and a home with a modern feel, something that's seemingly unavailable in Cleveland and the surrounding communities. We stumbled upon Abode's 27 Coltman townhomes in Little Italy, and since these townhomes were occupied and unavailable, we looked at photos and floor plans of Clifton Pointe. We immediately knew this was our future home. Clifton Pointe gives us modern, big city living, right here in Lakewood—a community we love and are excited to be a part of. It is possible to have your cake and eat it too." JOHN KAMINSKI—ARCHITECT

It is always energizing for me to see speculative housing that challenges established conventions of residential design. Eleven River, does exactly that. The development embraces classic modernism, and in so doing creates the groundwork for a design sensibility that inventively enhances the act of living in one's home. The interiors convey a spaciousness that seems even greater than the actual square footage, providing the combination of private shared living spaces one would expect in a much larger residence. All of this capitalizes on the stellar views of Rocky River and the adjoining park system, from within the residences as well as from the strategically placed exterior spaces. In addition the new development is mindful of ecological responsibility, including such eco-friendly measures as geothermal space conditioning. Abode is not following trends, it is setting them.

RONALD A. REED-PRINCIPAL, WESTLAKE REED LESKOSKY ARCHITECTS

Abode's Eleven River project is the most unique residential development in Rocky River and perhaps in the area. Where else can you own a five story townhome, your own boatslip and be adjacent to the Rocky River? The views from the various decks and rooftops are phenomenal. Some questioned the timing of such a risky development in today's housing market, yet the project is a success and units are selling at an amazing pace.

KORY KORAN-ROCKY RIVER ECONOMIC DEVELOPMENT DIRECTOR

Having been a student of architecture at Yale and a resident of the trendlest neighborhoods in New York, I was wondering if I'd find anything as inspiring as what I've seen elsewhere. But after looking at several other projects around town, we both felt that the thoughtful architectural planning and exciting vision of the Abode team was an opportunity that we didn't want to miss out on.

FAITH CHIANG-CHIEF EXPERIENCE OFFICER, WITHIN 3

They're creating a whole new atmosphere, a more European style 'walking community' that blends perfectly with all of the new retail, wine bars and restaurants. Rocky River already had so much to offer, like its excellent schools, but now there is a great place in an upscale community, Eleven River, that is fun.

DAVE DECAPAU-ROCKY RIVER CITY COUNCILMAN, MEMBER OF THE ARCHITECTURAL REVIEW BOARD

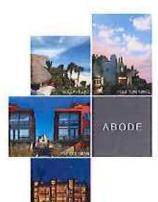
Abode's 27 Coltman marries the arts and culture of University Circle living with the old world charm of Little Italy on one street. The modern contemporary units of 27 Coltman adds one more block of vitality to this premier urban district. A block from the museums and galleries, a block from the city's best restaurants, and a block from rapid transit, 27 Coltman represents the very best in new Cleveland living.

CHRIS RONAYNE-PRESIDENT, UNIVERSITY CIRCLE INC.

The special characteristics of the waterfront site with the dramatic slope down to the river's edge and exceptional views of the Rocky River and Metroparks served as my inspiration, reminding me of the canyons in the Holywood Hills.

SCOTT DIMIT-PRINCIPAL, DIMIT ARCHITECTS

ARCHITECTS: SCOTT * ANALIA DIMIT, DIMIT ARCHITECTS—CLIFTON POINTE LUXURY ECONOMES * ELEVEN RIVER LUXURY TOWNHOMES WWW.DIMITARCHITECTS.COM



ABODE MODERN LIFESTYLE DEVELOPERS

Projected Tax Benefit of Clifton Pointe Phase I and II

Lakewood Incor	ne Tax Effects				
Location	Number of homes	Estimated Household Income	Total Income Value	Income Tax Rate	Total Annual Income Taxes
Clifton Pointe I	17	\$200,000	\$3,400,000	1.50%	\$51,000.00
Clifton Pointe II	5	\$200,000	\$1,000,000	1.50%	\$15,000.00

Lakewood Real	Estate Tax Effects				
Location	Number of homes	Approximate Household Value	Total Real Estate Value	Real Estate Tax Rate	Total Annual Real Estate Taxes
Clifton Pointe I	17	\$500,000	\$8,500,000	2.96%	\$251,600.00
Clifton Pointe II	5	\$500,000	\$2,500,000	2.96%	\$74,000.00

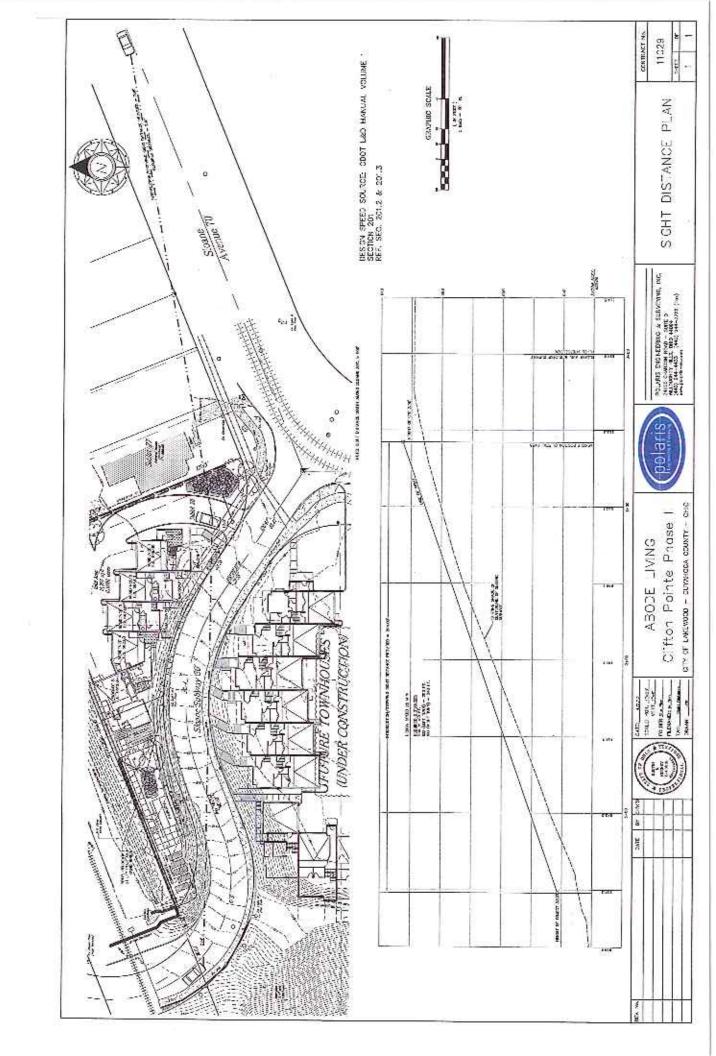
Total # Households	Estimated Household Income	Total Income	Income Expenditure Rate within a five mile radius	Average Annual Economic Impact
22	1 3/00/000	\$4,400,000	40.00%	\$1,760,000.00

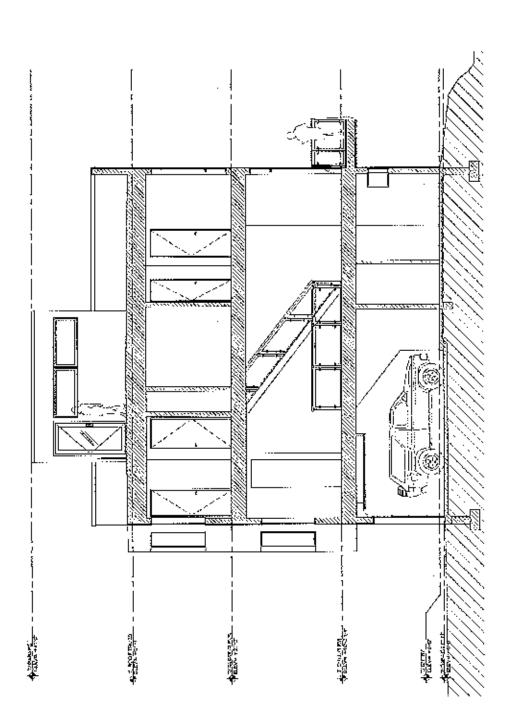
ABODE 26401 EMERY RD SUITE 103 CLEVELAND, OHIO 44128 U.S.A. OFFICE

O +01 216 360 8313 F +01 216 360 9234 INFO@WELCOMETOABODE.COM

WWW.WELCOMETOABODE.COM CLEVELAND | MIAMI | NEW YORK | PALM SPRINGS | SONOMA | TULUM

ABODE MODERN LIFESTYLE DEVELOPERS | COMBINING CREATIVITY, INNOVATION AND ARTISTRY TO CREATE PROJECTS THAT ARE BOTH ENDURING AND ENHANCE THE HUMAN EXPERIENCE. ABODE IS DEDICATED TO PROVIDING THE HIGHEST LEVEL OF DESIGN AND SERVICE across a variety of real estate sectors including residential, commercial and hospitality. Our mission is to after new levels of excellence and to exemplify the highest standards of social and environmental responsibility. Abode seeks out the extraordinary to facilitate the most spectacular living experiences. We are committed to creating exceptional realty ventures white employing groundbreaking technological and confriendly practices.





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Schwarz, Johanna

From:

Leigh, Mary

Sent:

Thursday, May 16, 2013 11:43 AM

To:

Schwarz, Johanna

Subject:

FW: 18828 Sloane Ave., Clifton Pointe Phase 2 Townhouses- abutting fandowner

opposed to any further development and proposed application

-----Original Message-----From: Anderson, David

Sent: Thursday, May 16, 2013 11:35 AM

To: rossk@cox.net; Leigh, Mary

Subject: RF: 18828 Sloane Avc., Clifton Pointe Phase 2 Townhouses- abutting landowner opposed to any further

development and proposed application

Hello and thank you for sharing your thoughts on this matter.

I feel the board of zoning appeals is the best place for the issues you identify, as well as others, should be discussed and debated. I plan on attending tonight and will be sure the points you raise are brought forward. Would you like your email and May 9 letter submitted for the official record? If so, I would be happy to do so.

Yours in service,

David W. Anderson Councilman, Ward 1 216-789-6463

senc. mursday, May 16, 2013 11:02 AM

To: Leigh, Mary; Anderson, David

Subject: 18828 Sloane Ave., Clifton Pointe Phase 2 Townhouses- abutting landowner opposed to any further

development and proposed application

Good morning,

I am a resident/landowner of Clifton Park and an abutting landowner of the Clifton Pointe project. I received a letter from the City regarding tonight's meeting. Unfortunately, I am not able to attend. Kevin Brown informed me that I could send my thoughts to you on this issue. In short, I am opposed to the Board of Zoning granting Mr. Dimit a variance as he has requested. Any structure over 35' tall and closer than 20' to the rear property line is unacceptable and would adversely impact the surrounding houses and the neighborhood in general. Below, I have copied and pasted the letter I send for last week's meeting. In addition to those thoughts and the above, I add that the current Phase has had 4 units left for over 6 months; given the very, very, very small space that the existing units are built on and the tight quarters for the units, I am not surprised that there have been 4 units left for that long. I am very concerned that allowing more development will result in half-built and/or unsold units. While a good concept, I do not believe that the development has lived up to the hype...the units are too big for the space provided.

Thanks for your attention and consideration of the position of the residents and landowners who will be impacted by the Board's decision.

Regards,	Reg	ar	ds,
----------	-----	----	-----

Concerned Clifton Park Resident

My prior email on Clifton Pointe:

Good evening,

I am sorry I will not be able to attend the Public Meeting on May 9 regarding the proposed addition to the existing Clifton Pointe project, but I am happy that my voice can be heard. While I am not against change or development, I am against any further development of Clifton Pointe in the nature of the existing and proposed manner. The current project not only does not fit the character and history of Lakewood homes, but it looks like a giant building squeezed into a tiny lot. I question how the residents and their guests will over be able to park their cars in that space or on the existing street spots. I also have concerns as to how the existing, and any future project, will impact Sloane Subway.

I have the same issues regarding the proposed project...there is simply not enough "true" space or place for such a project. While the buildings may physically fit in the space, it does not mean that they should fit or be approved. Lakewood, especially Clifton Park, has a rich history of century homes. Building multi-story condos on top of such homes should not be approved.

It been reported that some who approved the initial project have never been to and/or heard of Clifton Park. I hope this report is inaccurate because anyone voting to change the landscape and nature of a neighborhood should visit the area and see the impact it would have before voting to approve such a project.

I believe that allowing such large structures within the proposed very small area will decrease the value of all surrounding homes, change the nature of the neighborhoods to the detriment of the residents, unnecessarily increase traffic and noise, and possibly pose safety hazards for all residents.

Again, I am not opposed to any development in that area. Rather, I am opposed to development of multi-story condos that do not fit the character and charm of Lakewood. If I wanted to live in a city that favored and voted for tearing down trees, covering grass with cement, and building huge condos instead of single-double family homes, I would have moved to Westlake. I am confident that other Lakewood residents, especially those in Clifton Park, feel the same. I say this as a woung professional who selected Lakewood as my home town over surrounding suburbs and downtown.

Thank you for your time and consideration, A concerned resident and tax-payer of Lakewood (no abatement for my home purchase)

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From: Leigh, Mary

Sent: Thursday, May 09, 2013 8:25 AM

To: Schwarz, Johanna

Subject: FW: Irish cottage development

From: Thomas a Barrett [mailto:thebarrettco@aol.com]

Sent: Wednesday, May 08, 2013 10:51 PM

To: Leigh, Mary

Subject: Fwd: Irish cottage development

Begin forwarded message:

From: Thomas a Barrett <thebarrettco@aol.com>

Date: May 8, 2013 10:48:20 PM EDT

To: "Bryce.sylvester@lakewoodoh.net" < Bryce.sylvester@lakewoodoh.net>

Subject: Irish cottage development

As a long time property owner in the neighborhood, I am not pleased with the proposal on the docket for a 35 foot plus modern design building going up on Sloane. This will stick out like a sore thumb, and is not at all in keeping with the rest of our neighborhood. I was optimistic about the development on the other side of Sloane Subway, but now that it is up, I think it's ugly. Please do not support more of the same. We can do better than this with density more in keeping with our neighborhood.

I also hear that some sort of tax abatement has been proposed. Please don't ad insult to injury by having the neighboring property owners subsidize this project with our property taxes. There are many other areas of Lakewood which would be better served by tax abatement.

Thank you for your consideration.

Tom Barrett

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From: paul bjorn pabjorn@hotmail.com>
Date: May 16, 2013, 2:52:49 PM EDT
To: "david.anderson@lakewoodoh.net"
<david.anderson@lakewoodoh.net>

Cc: jean mazgaj <jeanmazgaj@hotmail.com>, Rhonda Loje

<<u>rloje@sbcglobal.net</u>>
Subject: Clifton Pointe II

I had the opportunity to take a tour of one of the Phase I units. They appeared to be very well-constructed, but I did find the parking to be inadequate. The person who gave me the tour will be one of the owners who happens to have 4 cars. Each unit has a 2 car garage; they are expecting to park the other 2 cars in front of their garage. Each of the 17 garages are entered from from the same concrete pad, which is surrounded on 3 sides by the town houses. If other owners have the same idea, this "courtyard" will look like a parking lot. By the way, the owner who gave me the tour was told by the developer that there would be additional parking across the street at the Irish Cottage. Needless to say, they are not very happy. Tonight's meeting seems to be the last opportunity to change the outcome.

While this project seems to be a done deal, and frankly has felt this way from the start, I want to go on record with my thoughts. While I will be unable to be at the meeting tonight, that does not reflect indifference on my part.

Thanks,

Paul Bjorn 1084 Lake Point Dr

From:

Leigh, Mary

Sent:

Friday, May 17, 2013 9:59 AM

To:

Schwarz, Johanna

Subject:

FW: Clifton Pointe Sloane Development Phase 2

This one arrived this morning.

From: John Blesi [mailto:jkb0604@gmail.com]

Sent: Friday, May 17, 2013 9:58 AM To: Leigh, Mary; Anderson, David

Subject: Clifton Pointe Sloane Development Phase 2

Mary & David,

I'm contacting you to express my concern with the proposed variances that are being discussed for the additional housing units on the site of the Irish Cottage. I object to this entire development and especially with these additional units being considered. I simply cannot understand why the City of Lakewood approved a design that is not sensitive or appropriate for the neighborhood. These towering structures may have won some awards but I think they are eyesores within our traditional Lakewood neighborhoods.

It is also not appropriate to cram all these housing units onto lots that were designed for just a few families. There is not enough off-street parking to accommodate these additional families and the Irish Cottage lot should be utilized for overflow parking. Also, have either of you seen how close the balconics are to Sloan Subway? It is ridiculous.

The developer stated that he would plant trees as a compromise to "soften" the view of these 50' towers as a buffer to the Clifton Park homes. How many years will it take for those trees to reach 50'?

I strongly urge you not to grant the variances for the additional units.

Thank you.

John Blesi 1131 Forest Rd

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From:

Leigh, Mary

Sent:

Monday, May 20, 2013 8:25 AM

To:

Schwarz, Johanna

Subject:

FW: Clifton Pointe Sloane Development Phase 2

Post meeting

-----Original Message-----From: Anderson, David

Sent: Saturday, May 18, 2013 8:46 AM

To: John Blesi; Leigh, Mary

Subject: RE: Clifton Pointe Sloane Development Phase 2

Hello, John.

Thank you for emailing me your concerns Friday. Tappreciate you taking the time.

Thursday evening, the Board of Zoning Appeals did not feel the request to amend the set back requirements were out of line but did not debate any specific reasons as to why. Iin reading between the lines, I sensed the Board felt that the developer could build lesser performing structures just as high without any variances and that allowing the variances would be the best use for the odd lot size. This decision was added to the conclusion of the Architecture Board of Review last week that because the closest Clifton Park house was around 170 feet away (two easements, a railroad track and some Clifton Park property), size and scope issues are not a primary concern. Regarding the safety of Sloane Subway which was brought up by your neighbors, the administration repeated that the Ohio Department of Transportation will not approve any driveway/curb cut plan unless full lines of site are established.

I do plan to approach some of your neighbors and the developer to see if a conversation can be had regarding changes to the landscaping on the Clifton Park property to the north of the tracks.

Again, thank you for the email.

Yours in service,

David W. Anderson Councilman, Ward 1 216-789-6463

From: John Blesi [jkb0604@gmail.com] Sent: Friday, May 17, 2013 9:57 AM To: Leigh, Mary; Anderson, David

Subject: Clifton Pointe Sloane Development Phase 2

Mary & David,

I'm contacting you to express my concern with the proposed variances that are being discussed for the additional housing units on the site of the Irish Cottage. I object to this entire development and especially with these additional units being considered. I simply cannot understand why the City of Lakewood approved a design that is not sensitive or

appropriate for the neighborhood. These towering structures may have won some awards but I think they are eyesores within our traditional Lakewood neighborhoods.

It is also not appropriate to cram all these housing units onto lots that were designed for just a few families. There is not enough off-street parking to accommodate these additional families and the Irish Cottage lot should be utilized for overflow parking. Also, have either of you seen how close the balconies are to Sloan Subway? It is ridiculous.

The developer stated that he would plant trees as a compromise to "soften" the view of these 50' towers as a buffer to the Clifton Park homes. How many years will it take for those trees to reach 50'?

I strongly urge you not to grant the variances for the additional units.

Thank you.

John Blesi 1131 Forest Rd

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From: Sent: Kevin Brown <kbrown@chnnet.com> Thursday, May 16, 2013 2:00 PM

To:

Leigh, Mary

Cc:

Amy Brown (amybrown625@gmail.com)

Subject:

BOZA meeting - 18828 Sloane Ave. redevelopment

Attachments:

BOZA letter.pdf

Mary,

Attached is a letter from my wife and I with our comments and concerns about BOZA Docket item 05-23-13, the redevelopment of 18828 Sloane Avenue. Please distribute the attached letter to members of the Board of Zoning Appeals ASAP in preparation for tonight's meeting.

As stated in the letter, I don't understand why this project is being evaluated under the MH zoning when City Council has not approved the rezoning of this site. I also don't understand why there is no variance request for the height and unroofed patio deck accessory use. Neither one of these items are compliant with the R2 zoning or the MH zoning.

Please confirm receipt of this email and attachment.

Thanks, Kevin Brown Kevin & Amy Brown 17908 Lake Road Lakewood, OH 44107

May 16, 2013

James Nagy, Chairman Board of Zoning Appeals Lakewood City Hall 12650 Detroit Avenue Lakewood, OH 44107

RE: Docket Item 05-23-13, Proposed Redevelopment of 18828 Sloane Avenue

Dear Mr. Nagy:

We request the Board of Zoning Appeals (BOZA) to reject the current proposal from dimitarchitects and Abode for the redevelopment of the former Irish Cottage site at 18828 Sloane Avenue. We own and reside at 17908 take Road directly north of the subject property and will be negatively impacted by the development as currently proposed.

We don't oppose the proposed use of the site as multifamily housing, as housing is the highest and best use of that site. However, we request the BOZA to not grant variances for a proposal that exceeds 35' in height (maximum allowed height under current R2 zoning), is closer than 20' to the rear property line, and includes an unroofed patio deck higher than the first floor.

Review the Proposal Against the Current Zoning

City Council has NOT approved the ordinance changing the zoning for 18828 Sloane Avenue. <u>The property has NOT changed zoning designation from a R2 district to a MH district.</u> This proposal for redevelopment should be reviewed under its current zoning designation of R2. The variances being considered tonight should include 1) height, which is a maximum of 35°, 2) rear yard setback, which is a minimum of 40°, and 3) unroofed patio deck (accessory use) above the first floor.

MR District Variances

The docket for this proposal states that only minimum setback variances are required if being evaluated under the MH zoning. However, according to section 1127.05 – Height Regulations in the MH zoning code clearly indicate variances for height are also required. The code states "The height of a multiple-family residential structure shall be controlled by its side yards." The proposed side yard is 22.42', therefore the maximum allowable height under the MH district is 29.9' (22.42' / .75 per zoning code). The proposal exceeds this limit. Why is the developer not required to seek a variance in accordance with this provision?

Paragraph (d) of section 1127.03 – Permitted Accessory Uses in the MH zoning code allows the following accessory use by stating:

"An unroofed patio deck not to exceed 300 square feet in area and forty-two (12) inches above grade; the rear yard depth requirement shall be not less than thirty (30) feet measured from the back of the deck, the requirement of Schedules 1127.03 and 127.07 notwithstanding."

The proposal includes an unroofed patio deck on the fourth floor of each dwelling unit that exceeds 300 square feet. Two of these patios are located less than 30' to the rear property line. The proposal clearly does not comply with these requirements of the patio deck being less than 300 square feet, no higher than 42" above grade, and no closer than 30' to the rear property line. Why is the developer not

Kevin & Amy Brown 17908 take Road Lakewood, OH 44107

required to seek a variance in accordance with this provision? Relevant sections of MH zoning code are attached for your reference.

Misleading Information in Docket

The site section included with Docket Item 05-23-13 does not illustrate the true Impact on our property. The proposed townhouses are sited askew to the existing homes on Sloane Avenue and Lake Road. As illustrated on the attached site plan, the submitted section is drawn perpendicular to the proposed structure not Sloane Avenue or the railroad right of way. The submitted section exaggerates the distance from the proposed townhouses to the northern log of Sloane Subway and our property. The true distance between our property and the proposed townhouses is two thirds of what's shown in the submitted site section, 120'.

No Sensitivity to Existing Context

Our greatest concerns with this proposal are the height, massing, and setback of these buildings. Sensitivity to the surrounding context must be addressed when transitioning from a high density multifamily district to a low density single family neighborhood. The homes of the surrounding neighborhood are all detached single—and two-family structures up to two stories with a partially finished third floor/attic. The proposed 140′ long 44′ tail structure gives no consideration to the neighboring homes and is not appropriate given the R1L, R1M, and R2 zoning of the nearby properties. To illustrate this point, attached is the current view from our kitchen window taken from the deck on south side of our home. Highlighted in the photo is the 12′ former greenhouse building currently on the Irish Cottage site. The following attachment is what this view would look like if the variances are granted as proposed. The visual privacy of our property will be open to invasion by occupants of the fourth floor outdoor patio. We request the BOZA to deny the requested variances.

A contextually sensitive and appropriate plan must be developed to preserve the character and integrity of Clifton Park and our Sloane Avenue neighbors. We hope this body will not merely review and consider this proposal in a vacuum, but will consider this proposal in the context of the surrounding neighborhood.

Sincorely, Kevin & Amy Brown

CHAPTER 1127 Multiple-Family Residential Districts

1127.03	General provisions.
1127.02	Permitted principal uses.
<u> 1127.03 </u>	Permitted accessory uses.
1127.04	Conditionally permitted uses.
1127.05	Height regulations.
1127.06	Lot area and frontage regulations.
1127.07	Minimum yard requirements for principal buildings.
1127.08	Off-street parking,
(127.09	Maximum lot area coverage.
1127.10	Additional accessory structure regulations,
1127.11	Supplemental regulations for adult family homes and adult group homes.

CROSS REFERENCES

Cluster homes - see P. & Z. <u>1121.32</u>

Additional district regulations - see P.& Z. Ch. 1133

Demolition or removal of residential structures - see P.& Z. 1133.09

Historic Preservation Districts and Historic Properties - sec P.& Z. Ch.

<u>1134</u>

Mixed Use Overlay District - see P.& Z. Ch. 1135

Off-street parking - see P.& Z. Ch. 1143

Home occupations - see P.& Z. Ch. 1145

Signs in Residential Districts - see P.& Z. Ch. 1151

Fences - see P.& Z. Ch. 1153

Planned Development - see P.& Z. Ch. 1156

Antennas - sec P.& Z. Ch. 1157

Wireless Telecommunication facilities - see P.& Z. Ch. 1159

Conditional use permits in Residential Districts - see P.& Z. 1173.02

Swimming pools - see SAN, Ch. 1721

1127.01 GENERAL PROVISIONS.

The following regulations shall apply to all Multiple-Family, Low Density Districts (ML), and Multiple-Family, High Density Districts (MH). (Ord. 91-95, Passed 10-7-96.)

1127.02 PERMITTED PRINCIPAL USES.

- (a) In the ML District no building or premises shall be used or established which is designed, arranged, or intended for other than a low density multiple-family residential building, a single- or two-family dwelling, adult family home, adult group home, or cluster house development.
 - (b) In the MH District no building or premises shall be used or established which is

designed, arranged, or intended for other than a medium density multiple-family residential building, a low density multiple-family residential building, a single- or two-family dwelling, adult family home, adult group home, or cluster house development. (Ord. 91-95. Passed 10-7-96.)

- (c) A single- or two-family dwelling in the ML and MH Districts shall meet all the requirements of the R2 District. Cluster house developments in the ML and MH Districts shall meet all the requirements of Section <u>1121,12.</u>
- (d) A Planned Development may be pennitted in the MH District provided that the regulations in Chapter <u>1156</u> and all other provisions of the Ordinances and this *Code* have been met.

(Ord. 61-04, Passed 7-6-04,)

1127.03 FERMITTED ACCESSORY USES.

The following accessory uses shall be permitted when located on the same lot with a permitted principal use:

- (a) Private garages to house passenger motor vehicles of the occupants of the principal building.
 - (b) Signs as regulated by Chapter <u>115</u>1.
- (c) A Type A home occupation provided such use is clearly incidental to the principal use and complies with the requirements of Chapter 1145. (Professional, medical, or general business offices permitted pursuant to Section 1127.04(c) shall not be considered an accessory use in the ML and MH Districts.)
- (d) An unroofed patio deck not to exceed 300 square feet in area and forty-two (42) inches above grade; the rear yard depth requirement shall be not less than thirty (30) feet measured from the back of the deck, the requirement of Schedules 1127.03 and 1127.07 notwithstanding.
- (c) A swimming pool, which complies with the standards of Section 1127.10(c) and Chapter 1721 of the Sanitary Code.
- (f) A storage shed not to exceed 120 square feet in area and ten (10) feet in height above grade or the requirements of subsection <u>1127.09(c)</u>, whichever is greater.
 - (g) Fences and living fences as regulated by Chapter 1153. (Ord. 91-95, Passed 10-7-96.)
- (h) An arbor and/or trelfis, provided that where located in a front yard the total length of such shall not exceed six (6) feet in width, four (4) feet in depth, and eight (8) feet in height.

(Ord. 24-98, Passed 5-18-98.)

(i) Gazebos and other decorative structures not to exceed 120 square feet in area,
 Section <u>1127.09(e)</u> notwithstanding.

(Ord. 91-95, Passed 10-7-96,)

- (i) Autenna(s) and satellite dish antenna(s) provided they comply with the standards of Chapter 1157.
- (k) Wireless telecommunication antenna(s) provided they comply with the standards of Chapter 1159.

X

(Ord. 24-98, Passed 5-18-98.)

SCHEDULE 1127.03; ACCESS	1.57 7.5	
District	ML Multiple- Family	MH Multiple Family
Garages]	
Side and Rear Yard Depth (Feet)	3	3
Patio Decks		·
Area (Square Feet)	300	300
Height Limit (Inches)	42	42
Side and Rear Yard Dopth (Feet)	20	20
Storage Sheds		
Area (Square Feet)	120	120
Height Limit (Feet)	10	10
Side and Rear Yard Depth (Feet)	3	3
Arbor and/or Trollis		
Length when Located in Front Yard	10% of Foundation Width	10% of Foundation Width
Decorative Structures		
Area (Square Feet)	120	120
Height (Feet)	10	10
Side and Rear Yard Depth (Feet)	10	10

(Ord. 91-95, Passed 10-7-96.)

1127.04 CONDITIONALLY PERMITTED USES.

If approved by the Commission pursuant to Section 1173.02, the following may be permitted as conditional uses provided that the standards and conditions hereinafter specified are met:

(a) Restaurant, convenience food shops or delicatessens, and barber and beauty shops, pursuant to Section 1161.03(d).

(Ord, 52-10, Passed 9-20-10.)

- (b) Places of Worship, pursuant to Section 1161.03(m).
- (c) Professional, medical, and general business offices, pursuant to Section 1161.03(n).
 - (d) Type A Child Day-Care, pursuant to Section 1161.03(e).



- (c) Parking facilities, including surface parking lots and parking garages of up to three (3) stories in height, pursuant to Section <u>1161.03(I)</u>, provided that any structure complies with all other provisions of this Chapter and the Ordinances.
 - (f) Wireless telecommunication antenna(s), pursuant to Section 1159.04(c)(2).
 - (g) Mixed Use Overlay District, pursuant to Chapter 1135.
 - (h) Bed and Breakfast Establishment, pursuant to Section 1161.03(c). (Ord. 73-08. Passed 9-2-08.)
- (i) Wind generation facility, pursuant to Chapter 1160, (Ord. 52-10. Passed 9-20-10.)

1127.05 HEIGHT REGULATIONS.

The height of a multiple-family residential structure shall be controlled by its side yards. (Ord. 91-95. Passed 10-7-96.)

1127.06 LOT AREA AND FRONTAGE REGULATIONS.

- (a) Principal buildings and uses permitted in the ML and MfI Multiple-Family Districts shall be located only on a lot that complies with the lot area and frontage regulations set forth in Schedule 1127.06, unless otherwise specifically provided for elsewhere in this Code.
- (b) The lot area in Schedule <u>1127.06</u> may be reduced by up to ten percent (10%) if all required parking spaces are enclosed or if at least seventy-five percent (75%) of all required spaces are located underground.

District	ML.	MH
Minimum Lot Area (Square Feet)	15,000	10,000
Minimum Area per Dwelling Unit (Square Feet)	800	
Minimum Arca per Dwelling Unit		
Buildings of One (1) to Four (4) Stories (Square Feet)		800
Buildings of Five (5) or more Stories (Square Feet)		600
Minimum Lot Frontage (Feet)	100	60

(Ord. 91-95, Passed 10-7-96.)

1127.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.

In the ML and MH Multiple-Family Residential Districts each lot shall maintain the minimum front, side, and roar yard specified in Schedule 1127.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. For existing principal buildings with side yards of less than those specified in Schedule 1127.07, an

addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalfs of the existing building. (Ord. 24-98, Passed 5-18-98.)

	SCHEDULE 1127.07: MINIMUM YARD REQUIREMENTS	
District	Side Yard Depth	
MI.	Sixty percent (60%) of the height of the building, but not less than twenty (20) feet on interior lot lines.	
MH	Seventy-five percent (75%) of the height of the building, but not less than twenty (20) feet on interior lot lines.	
For each tw feet may be Districts.	vo (2) feet all side yards are increased over the required width, five (5) square subtracted from the required lot area per dwelling unit in the ML and MH	
District	Rear Yard Depth	
ML	Sixty percent (60%) of the height of the building, but not less than fifty (50) feet on interior lot lines.	
МН	Seventy-five percent (75%) of the height of the building, but not less than fifty (50) feet on interior lot lines.	
District	Front Yard Depth	
ML	The front yard, including the street side of a corner lot, shall be as established on the <i>Building Line Map</i> , or a distance equal to the height of the building measured from the base of the building to the center of the street, whichever is greater.	
MH	The front yard, including the street side of a corner lot, shall be as established on the <i>Building Line Map</i> , or a distance equal to seventy-five percent (75%) of the height of the building measured from the base of the building to the center of the street, whichever is greater.	

(Ord. 91-95, Passed 10-7-96.)

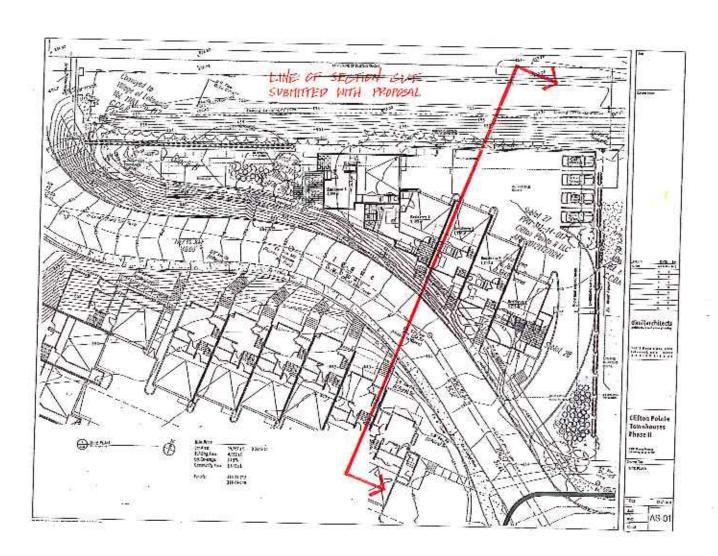
1127.08 OFF-STREET PARKING.

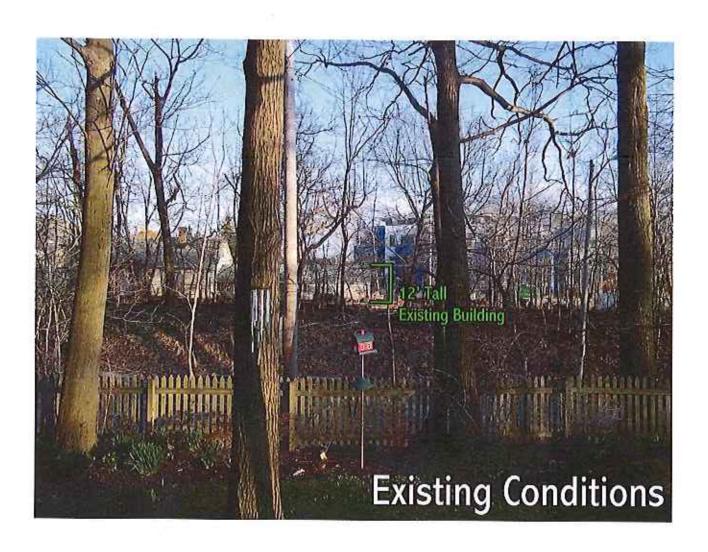
Off-street parking as regulated by Chapter <u>1143</u>. (Ord. 91-95. Passed 10-7-96.)

1127.09 MAXIMUM LOT AREA COVERAGE.

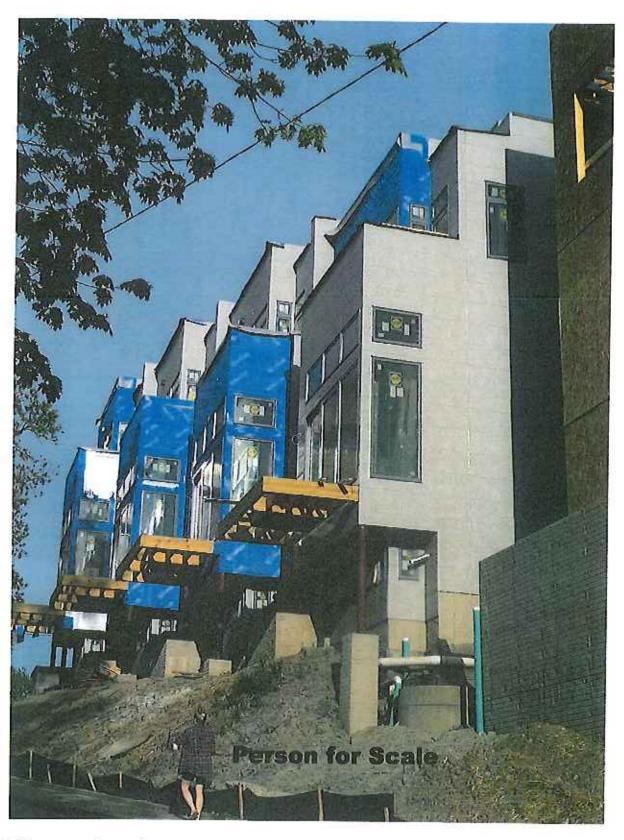
- (a) The principal structure including decks, patios, etc., shall not cover more than twenty percent (20%) of the lot area in the ML District and twenty-five percent (25%) of the lot area in the MH District.
 - (b) Arbors, trellises, exterior steps, fences, and living fences shall be excluded from the lot











These structures are too large for Sloane Subway!

From:

Leigh, Mary

Sent:

Thursday, May 16, 2013 11:52 AM

To:

Schwarz, Johanna

Subject:

Phase 2 Clifton Park

From: Dennis Butler [mailto:dennisfbutler@yahoo.com]

Sent: Thursday, May 16, 2013 11:51 AM

To: Leigh, Mary Subject: Comments

Please include us in endorsing the CBIA recommendation as to height and setback requirements on Phase 2 of the Clifton. Park's Sloane Subway property.

Dennis & Marilyn Butler 18113 Clifton Road Lakewood, OH

Dennis F. Butler

Attorney at Law 2401 Superior Viaduet Cleveland, OH 44113-2342 (216) 621-3870

Fax: (216) 241-4400

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From:

Leigh, Mary

Sent:

Wednesday, May 08, 2013 4:40 PM

To:

Schwarz, Johanna

Subject:

FW: Zoning for High Rise buildings looming over Clifton Park

Tracking:

Recipient

Delivery

Schwarz, Johanna

Delivered: 5/8/2013 4:40 PM

From: Brian Dalisky [mailto:brian.dalisky@gmail.com]

Sent: Wednesday, May 08, 2013 3:08 PM

To: Sylvester, Bryce; Leigh, Mary; Anderson, David

Subject: Zoning for High Rise buildings looming over Clifton Park

Hello,

I understand that the Board of Zoning Appeals will be considering variances to allow high rise buildings next to Clifton Park.

Please do not allow high rise buildings to tower over the best neighborhood in Lakewood and peep into our backyards!

I agree that something should be done with the vacant Irish Cottage property and I do not have a problem with them building up to their property line, but having having high rise towers looming over our great neighborhood is not what the founders of our city originally thought was appropriate when they established the zoning rules and that still holds true today!

Thank you,

Brian Dalisky 18141 Clifton Road Lakewood, OH 44107

From:

Leigh, Mary

Sent:

Wednesday, May 08, 2013 4:39 PM

To: Subject: Schwarz, Johanna FW: Clifton Pointe

Tracking:

Reciplent

Delivery

Schwarz, Johanna

Delivered: 5/8/2013 4:39 PM

From: Bill Frazier [mailto:bfrazier@raintree-capital.com]

Sent: Wednesday, May 08, 2013 12:38 PM

To: Leigh, Mary

Subject: Clifton Pointe

Mary Leigh,

Id just like to let it be known that I personally am enthusiastic about the Clifton Pointe development, and I live in Clifton Park about a block away. I encourage you to be sensitive to the transitional issues being raised by my neighbors, but I encourage you to be at least as sensitive to the economic impact of denying the variances requested. I think some of my neighbors would rather see a crack house next to them, as long as it was built in the 1920's, than a modern development. Not everyone in the neighborhood agrees with this group of people. Not all of us think that all change is for the worse. Clifton Pointe is a very tasteful architectural concept and a huge improvement over the old run down homes that now line Sloan Subway.

Bill Frazier 17892 Clifton Park Lane Lakewood, OH 44107 216.299.0300

bfrazier@raintree-capital.com



From: Susan Geiger <ssgeiger@sbcglobal.net>

Sent: Thursday, May 16, 2013 4:14 PM

To: Leigh, Mary

Subject: Irish cottage redevelopment

Dear Mary,

I am writing to you to share my concern about the the proposed trish Cottage Redevelopment. I am NOT in favor of changing zoning to allow structures higher than 35' or closer than 20' from the rear property . I am unable to attend tonight's meeting .

Please share my concerns.

Sincerely, Susan S. Geiger 17894 Captains's Cove Lakewood

Sent from my iPad

Date: May 16, 2013

To: Ms. Mary Leigh, Secretary City of Lakewood Board of Zoning Appeal

Mr. David Anderson, City of Lakewood Ward I Councilman

From: Ms. Sarah Grotta, Resident, City of Lakewood

Re: Docket 05-23-13 18828 Sloane Avenue Clifton Pointe Phase 2 Townhouses

Dear Ms. Leigh and Mr. Anderson,

As I will be unable to attend the May 16, 2013, meeting of the Board of Zoning appeals, I wanted to provide my strong opposition to the zoning change under consideration for the accommodation of the Clifton Pointe Phase 2 development in writing.

In reading our city's zoning code, the purpose of the code is very clearly and succinctly stated:

The Zoning Code of the City of Lakewood is adopted to promote and protect the public health, <u>safety</u>, convenience, comfort, prosperity, and <u>general welfare</u> of the citizens of the city by dividing the city into districts in which specific uses and structures are permitted and regulated, thereby assuring the compatibility of uses and practices within districts; stabilizing said uses, <u>conserving property values</u>, and securing the most appropriate use of land within the city.

I have underlined the words <u>safety</u>, <u>general welfare</u> and <u>conserving property</u> values as the requested zone change for this project will violate the very purpose of the code.

<u>Safety</u>: The change to a high density housing project will create additional traffic on Sloane Subway, a narrow and winding road that is already difficult to maintain under current traffic patterns. More traffic brought on by the development will create even more safety issues for drivers and pedestrians alike.

General Welfare: Clifton Pointe Phase 2 as currently designed is too high and allows for too many new units. This will create noise ordinance issues, parking issues and visually is incongruous with the surrounding low density neighborhood of turn-of-the century homes.

Conserving Property Values: The additional noise, increased traffic and visual affront created by the Clifton Pointe Phase 2 development as planned will decrease the value of my property and those of the surrounding properties, which of course will decrease the tax collection opportunity for the City of Lakewood.

Allowing the zoning change to accommodate Clifton Pointe Phase 2 would be in violation of the zoning code that the Board of Zoning Appeals is tasked to uphold and therefore cannot be approved.

Thank you for the opportunity to express my concerns.

Most Respectfully,

Sarah E. Grotta 18188 Clifton Road Lakewood, OH 44107

From:

Leigh, Mary

Sent:

Thursday, May 16, 2013 11:39 AM

To: Subject: Schwarz, Johanna FW: Clifton Pointe II +

Correction from last email.

----Original Message----

From: Phttles 2 @cox.net [mailto:2littles 2@cox.net]

Sent: Thursday, May 16, 2013 7:33 AM

To: Leigh, Mary

Subject: Clifton Pointe II

Sorry...That last sentence should be...Anything greater than a 35-foot height limit and LESS THAN a 20 foot set-back are unnacceptable to us.

> Date: Thu, 16 May 2013 6:30:11 -0400

> From: | 2||ttles2@cox.ne|

> To: mary.leigh@lakewoodoh.net

> Subject: Clifton Pointe II

>

> Hi, Mary -

> We are unable to attend tonight's meeting, but we wanted to communicate our concerns regarding Clifton Pointe II. First of all, we are THRILLED with the idea of developing and enhancing Lakewood in all ways possible. We spent lots o' money to enhance our own property. However, we are very concerned with the height and set-back proposal of Clifton Pointe II. The idea of these very modern and high-density living quarters towering over this very traditional and lowdensity neighborhood is very offensive and threatens property values in Clifton Park. Anything greater than a 35-foot height limit and 20 foot set-back are unnacceptable to us.

aless than

> Thank you-

> Laura and Richard Little

> 18105 Clifton Road

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From:

Noel McPolin <nmcpolin@ameritech.net>

Sent:

Thursday, May 16, 2013 3:56 PM

To:

Leigh, Mary

Subject:

Clifton Pointe project

Dear Mary,

I am writing in regards to the Clifton Pointe project. My husband and I attended the meeting last week, and we were very disappointed that the city is even considering the current proposal from Abode Living. Personally I feel the Irish Cottage lots would be best as green space especially since phase 1 is squished into to an area that is too small and completely out of proportion with the rest of neighborhood. I am sure that most people would agree that the Sloane neighborhood could use a little sprucing up, but is this really the answer? Considering that the building site for phase 2 is already elevated from the adjoining neighborhood, structures over 35 feet tall are going to give the appearance of being even taller especially when they are built in a blocky design style with flat roofs. Take a look at the brown house next door to phase 1 on the south side for a compelling visual in clashing design and scale. These condos are not blending or complementing the existing neighborhood and its architecture at all. Isn't that what's special about Lakewood that every house has its own unique character and charm? It is not a development. We need to protect historical neighborhoods for the next generation. Once they are gone, they are gone forever.

As far as the tax abatement goes, I feel that this is incredibly short sighted on Lakewood's part. These condos are overvalued and will not retain their value in 10 years. Basically Abode is pocketing Lakewood's tax revenue. Fast forward 10 years when CP owners have no equity in their homes and have to sell them for less than what they paid if they can sell them at all. Have we learned nothing from the current real estate crisis? Why aren't these properties priced lower with no tax abatement? Abode is the clear winner here. Is Lakewood going to give tax abatements to all of the adjoining properties whose market values will decrease as direct result of this project?

I am not saying that we should never have any new development, but this seems very irresponsible to me. Lakewood appears to be giving Andrew Brickman and Abode Living carte blanche. They are not holding them to the same standards to which they hold their existing tax paying citizens. In fact the planning commission appeared to be siding completely with Andrew Brickman and downplaying the concerns the current neighborhood residents. They continually aided Brickman by distracting from the main issue which is height, scale and proportion. Details like color and building materials can be discussed after the height, scale and proportions are finalized. While my neighbors voiced their concerns in a very respectful and diplomatic manner, Andrew Brickman stood in the back of the room and made snide comments about these people. He then returned to the podium and stated that he has tried to be a good neighbor and work with current residents. Doesn't sound very neighborly to mel Brickman does not seem to be willing to compromise on height or scale, and the planning commission did not push him at all.

Lakewood is a wonderful town full of charming houses and neighborhoods. I urge city council and the planning commission to be respectful of this and protect it. I hope you do the right thing and vote against this project until a more suitable solution can reached.

Best regards,

Noël McPolin 1110 West Forest Rd Lakewood, OH 44107 216-401-2064 nmcpolin@ameritech.net

From:

Louis L. McMahon < Imcmahon@mdllp.net>

Sent:

Tuesday, May 14, 2013 9:26 PM

To:

Planning Dept

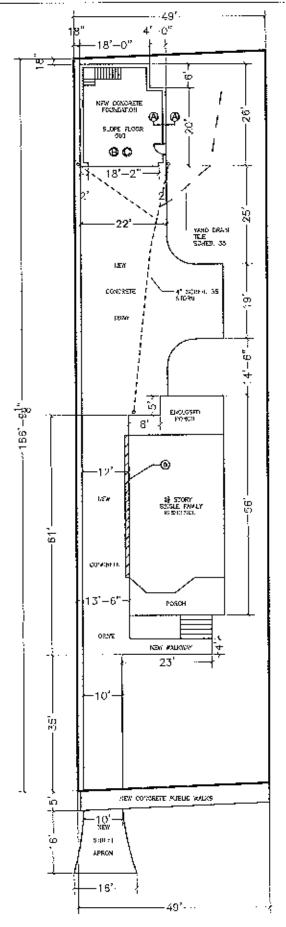
Subject:

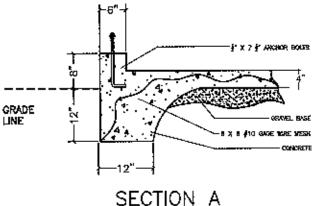
BZA 5/16 re: 16118 Clifton Blvd

Dear Board of Zoning Appeals,

We received the public notice dated May 8, 2013 regarding the request for a height variance for the garage project at 16118 Clifton Blvd. We are the neighbors immediately behind the project site, at 16121 Lake Avenue. The project will be a benefit to our neighborhood, which already has several two-story or tall garages, as it will modernize an old garage while remaining protective of a nearby mature elm tree. The project owners and designers have a fine plan. We support granting of a height variance.

Lou and Lynn McMahon 16121 Lake Avenue





IMPORTANT NOTICE TO HOMEOWNER:
PLEASE HAVE POWER TO GARAGE SHUTT OFF
BEFORE DEMOLITION AND HAVE ELECTRIC POWER
FROM THE HOUSE ACCESSIBLE FOR POWER TOOLS.

i (Wa) have reviewed this drawing and agree that it is a true representation of the work to be performed on my property. I also understand that i am responsible for the location of my property lines, painting, backfill and landscaping of my property.

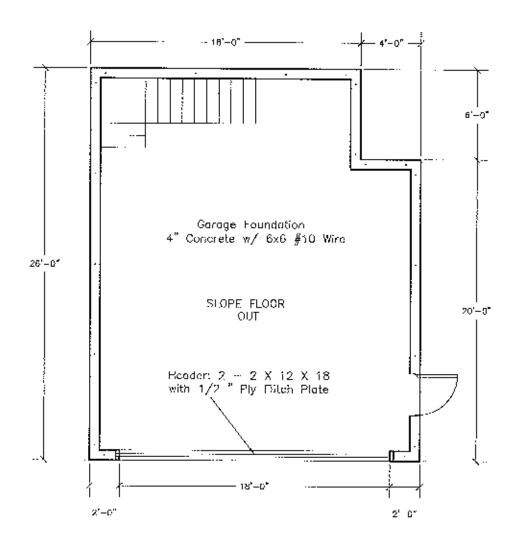
Homsowner	Date
Homeowner	Date

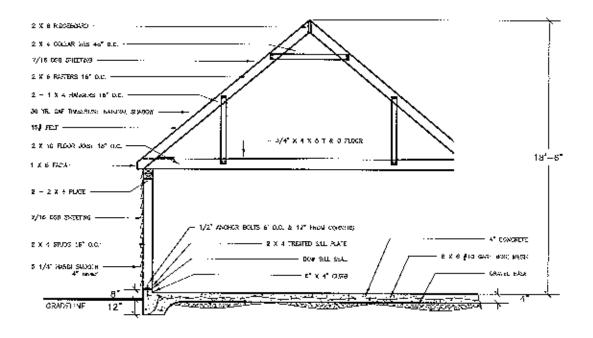
General Notes

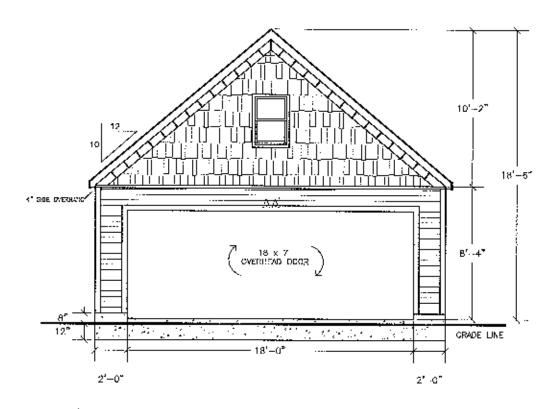
- B DO NOT SEAL GARAGE FLOOR
- C VAPOR BARRIER
- D WATERPROOF EXTERIOR WALL REPLACE DRAIN TILE FILL WITH WASHED STONE

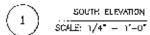
Contracter
The Great Garage Company
8550 Wallings Road
North Royalton, OH 44113
440-230-9900
John D'Amico

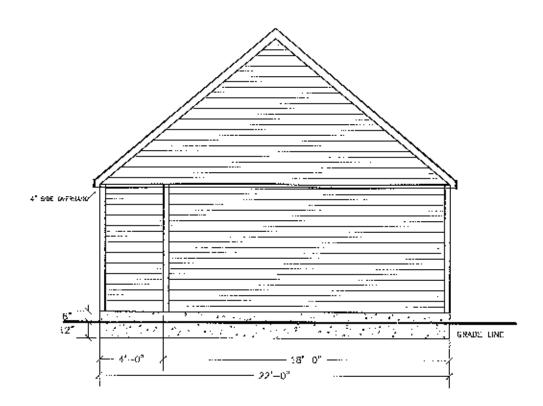
Homeowner Jim Androitis 16118 Clifton Blvd. Lakewood, OH 44107 216-408-0067

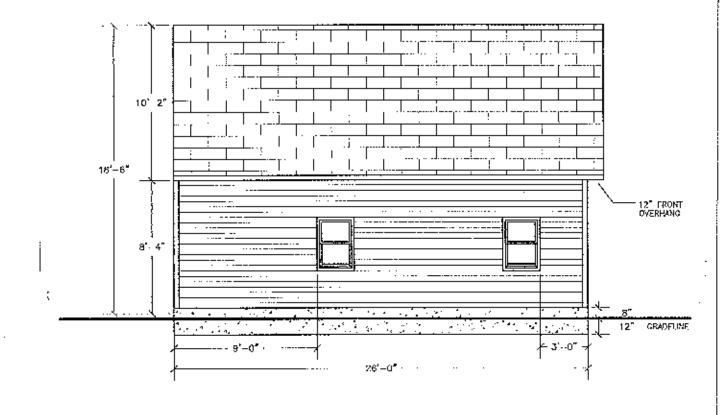


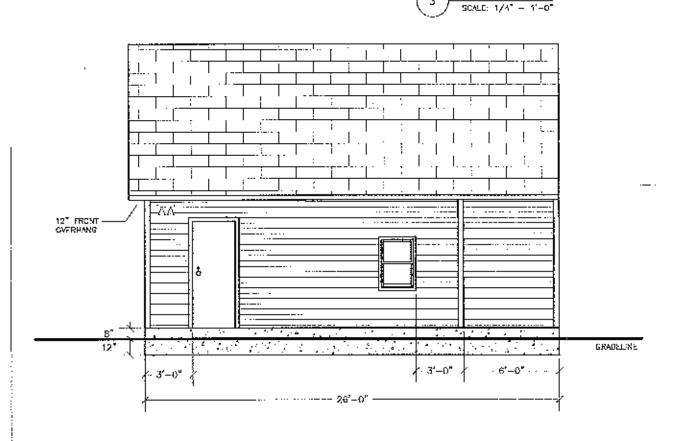












WEST ELEVATION

From:

Lisa Kuhrt <fisakuhrt@ymail.com>

Sent:

Tuesday, May 21, 2013 8:29 PM

To: Subject: Planning Dept 1186 Cook Ave.

I understand there was a meeting held on May 16th, 2013 pertaining to the above listed property. I thought the meeting was scheduled for this week, oops. If a decision has not been made and you can utilize another opinion. It would not be a problem with me if they added additional footage to their property.

If you need to reach me for any further information, feel free to contact me at (216)221-1589.

Sincerely, Lisa A. Kuhrt

Re: 05-18-13

17440 Norton Avenue

To whom it may concern:

With regards to the letter of May 8th concerning the request by Mr. Hempfling for variance of the height of his proposed garage. It is my opinion that the additional height request will have no adverse effects on the aesthetics of surrounding properties, but will add to the architectural interest of the neighborhood. The efforts of Mr. Hempfling to improve his property should be lauded.

Best regards,

Gregory A Shellon



May 14, 2013

2e: 17440 Norton Avenue

Board of Zoning Appeals Mary Leigh 12650 Detroit Ave Lakewood, Oh 44107

Dear Ms Leigh,

We are writing you in regard to the request of Peter Hempfling's application for a variance to his garage height. Pete has shown us a drawing of the garage when he first considered building a new garage. Neither of us has any objections to the height, size, or design of the intended structure.

We hope that the Board of Zoning Appeals grants Pete's request for this variance.

Sincerely,

Roger D Bilak Sr Michele M Bilak

17444 Norton Ave

Lakewood, Oh 44107

DBIL.











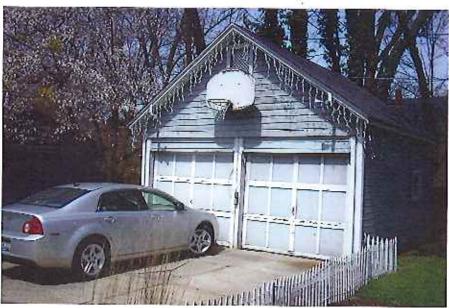






17440 Norton Avenue





Schwarz, Johanna

From:

Bob
bgreen1946@yahoo.com>

Sent:

Friday, May 10, 2013 4:52 PM

To:

Planning Dept

Subject:

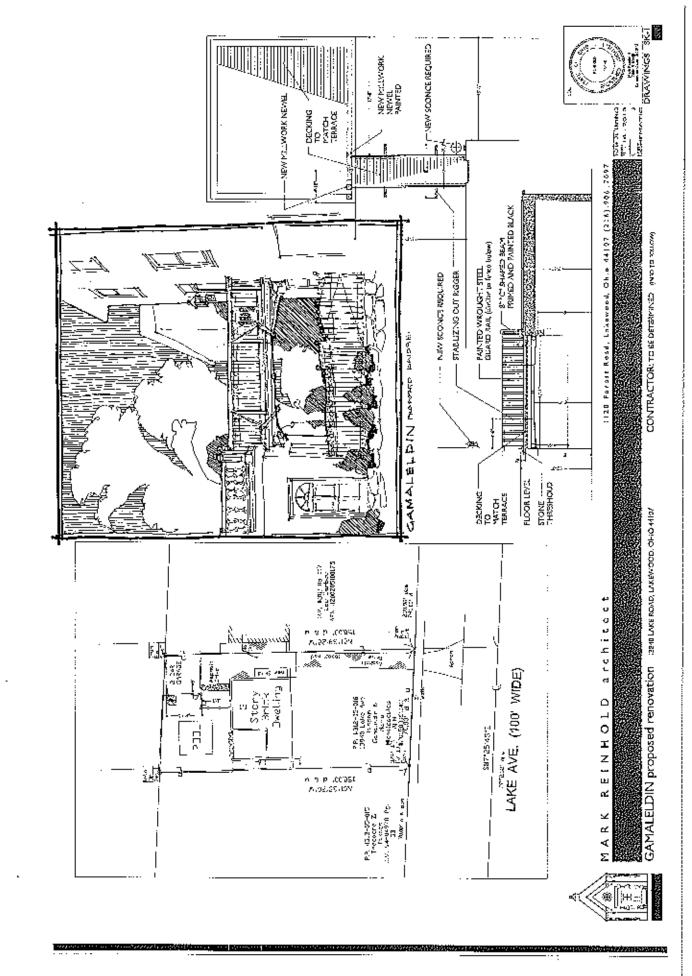
Public Notice Ref. 12904 Arliss Dr.

Please be advised that I am the neighbor immediately to the west of this property. I have discussed the installation of a new fence with the property owner and am OK with the 8' height of the new fence.

Best regards,

Bob Green 1257 Thoreau Rd. 440-465-2731

Mr Clenhold Please represend us at the meeting on May 16th 2013 because we have a schedule conflict. My husband Haissam Gamalildin has to work and I have n Orientalian for my Children I hank you!

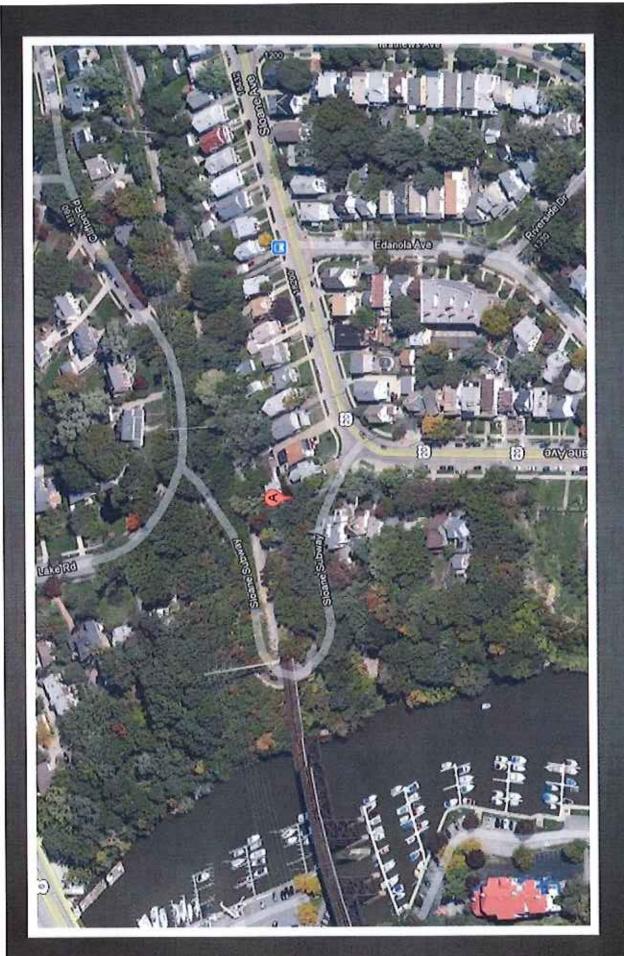


Board of Zoning Appeals

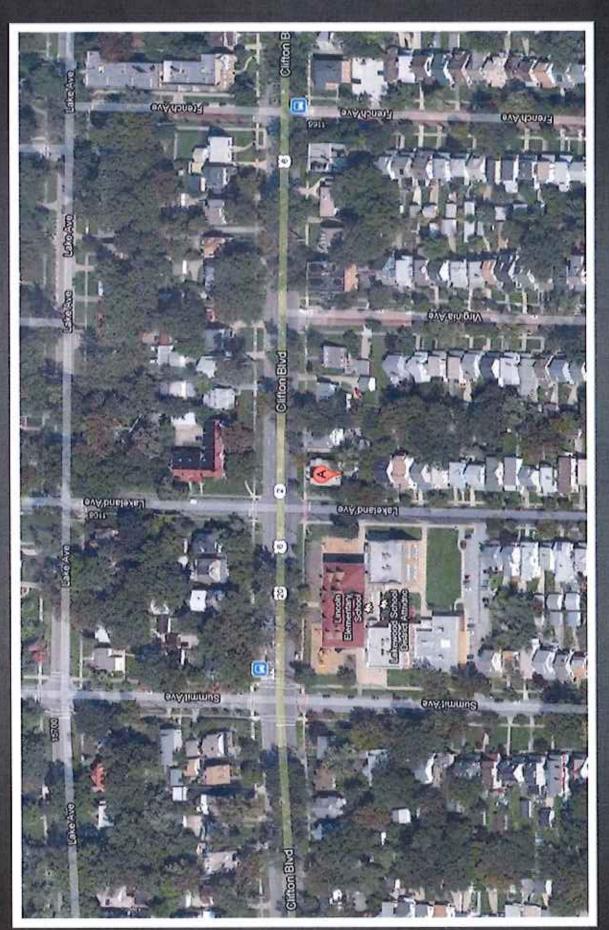
May 2013





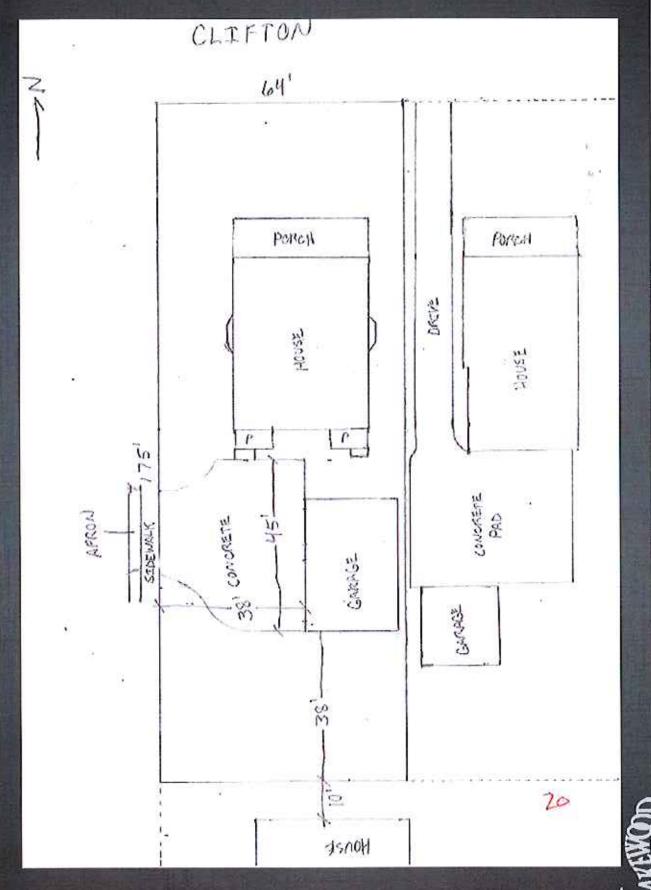




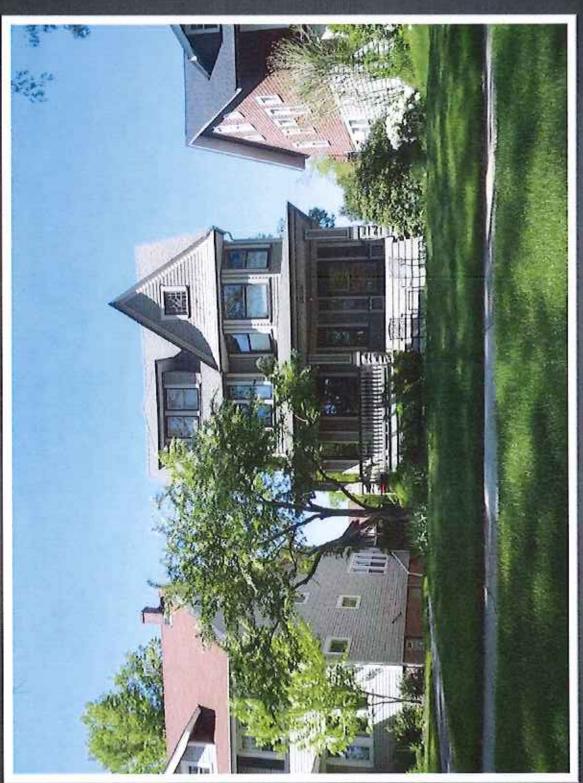


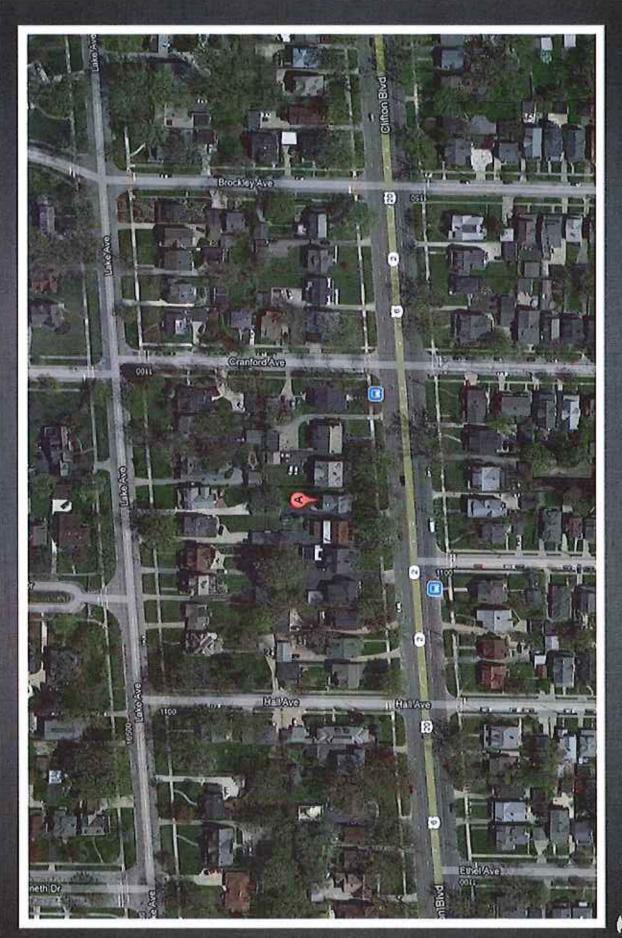


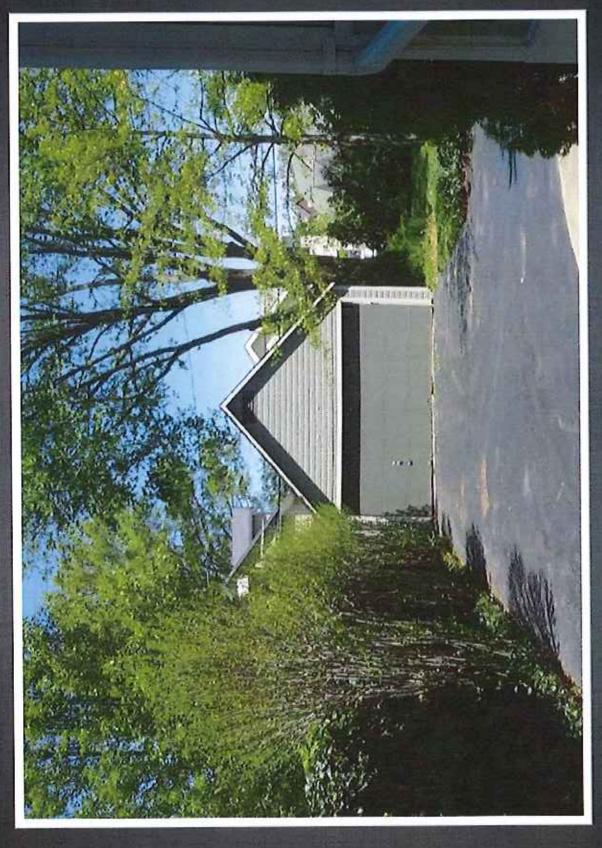




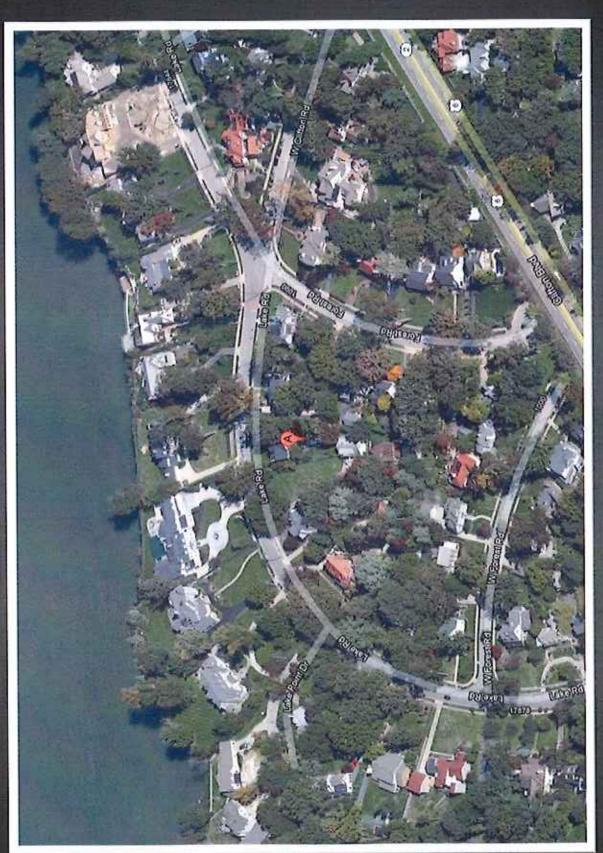








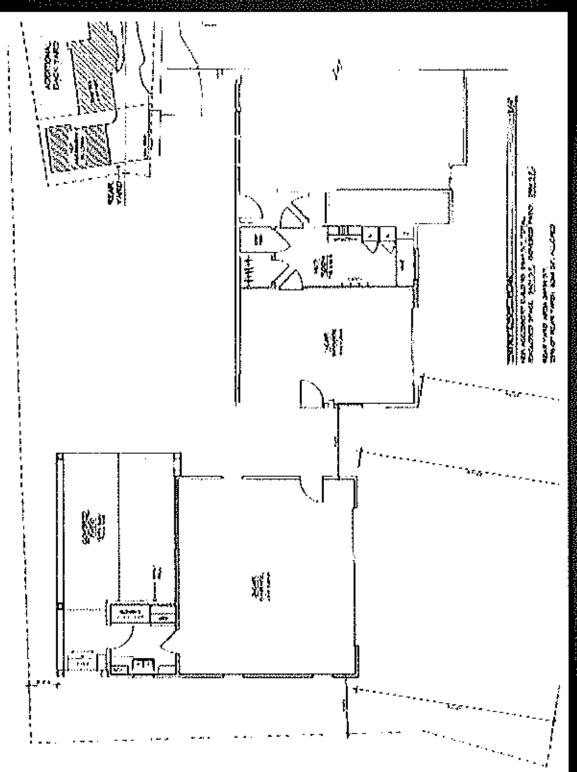


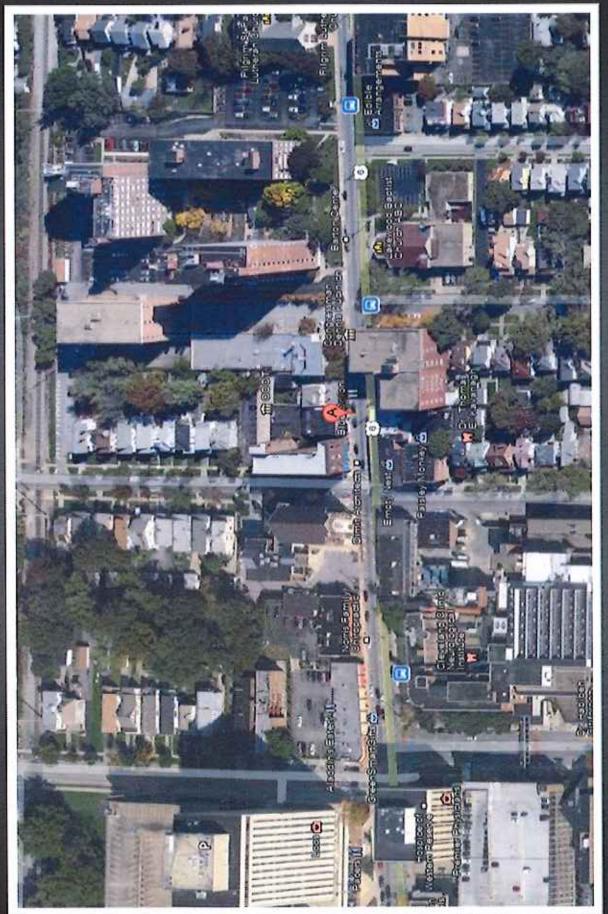




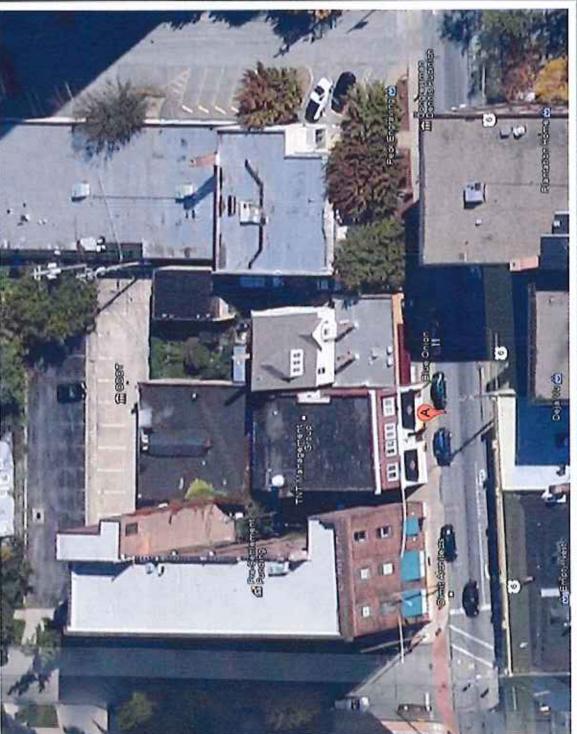










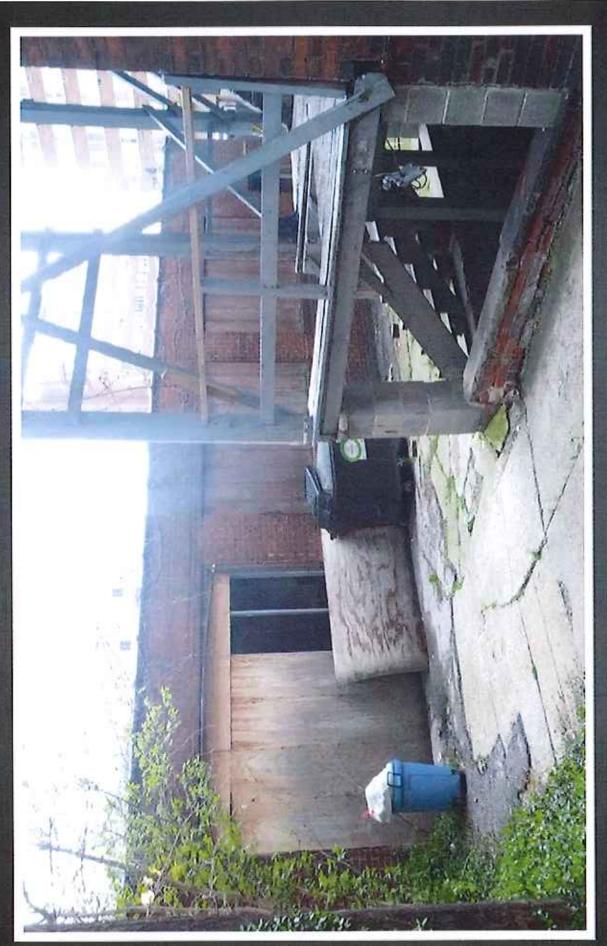




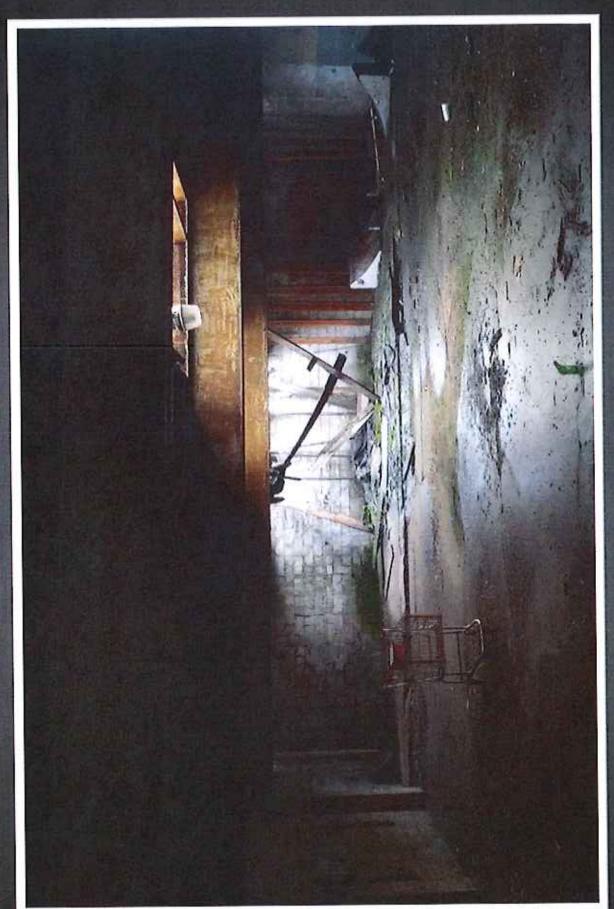


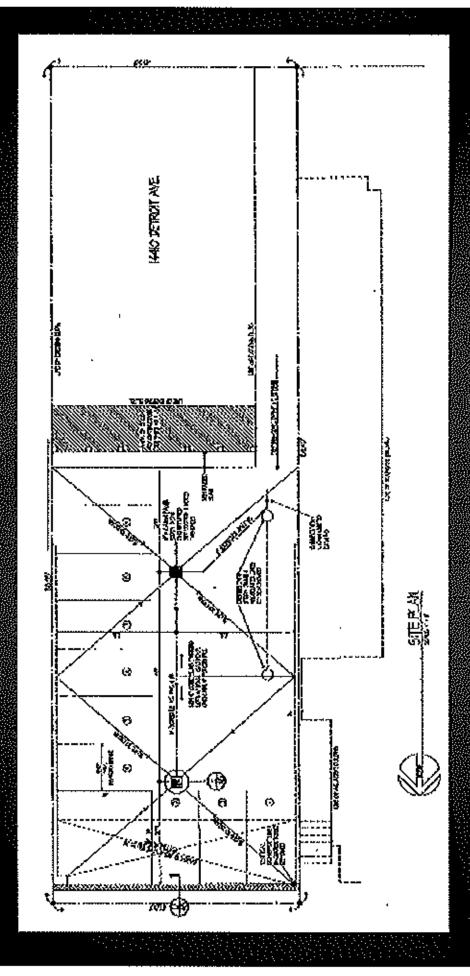




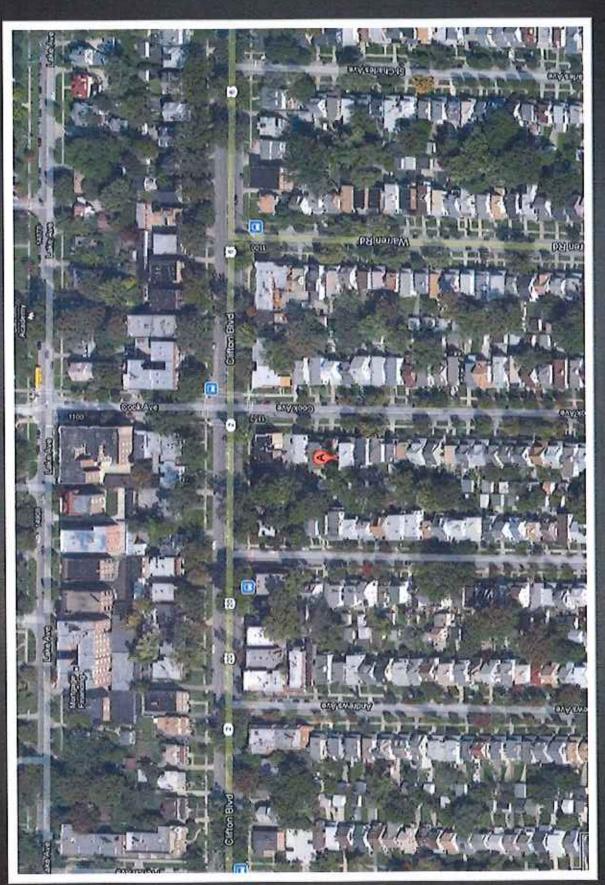


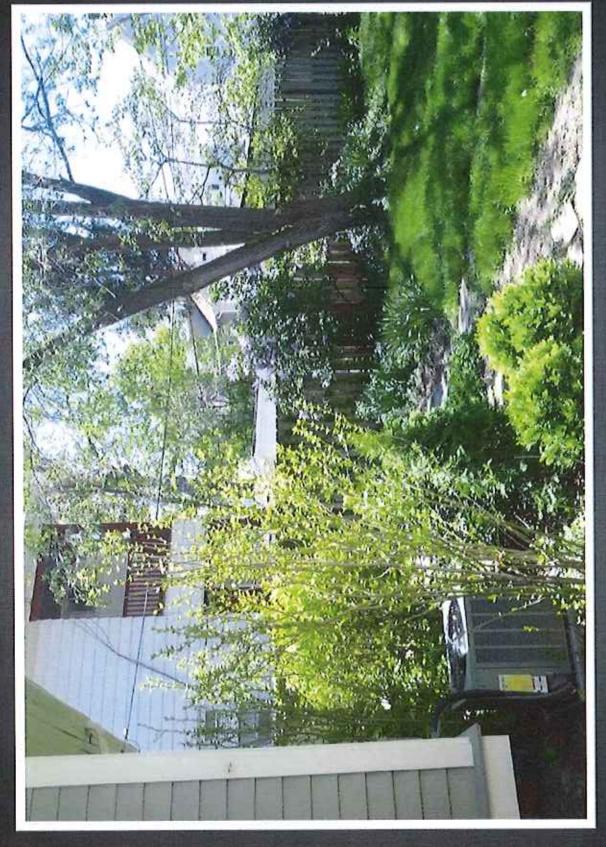






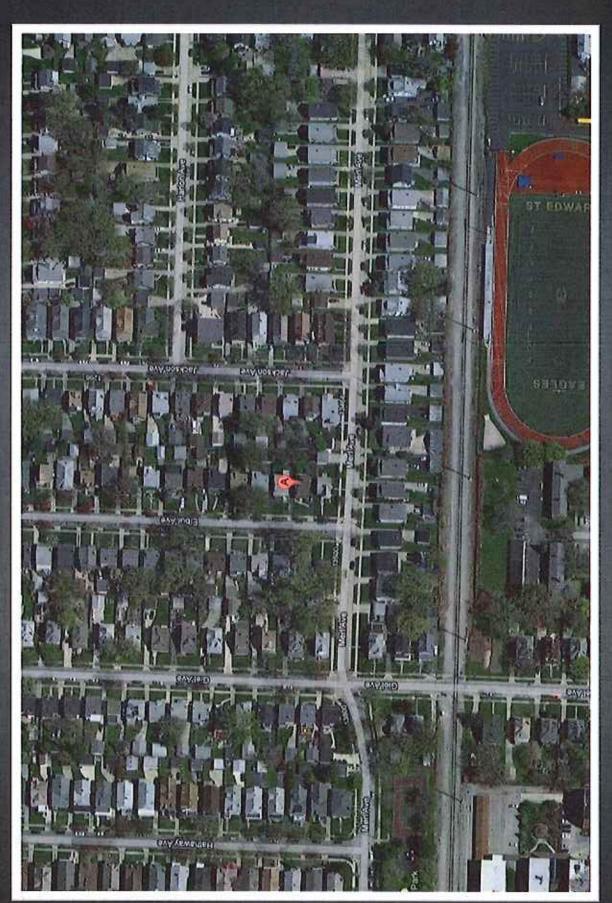






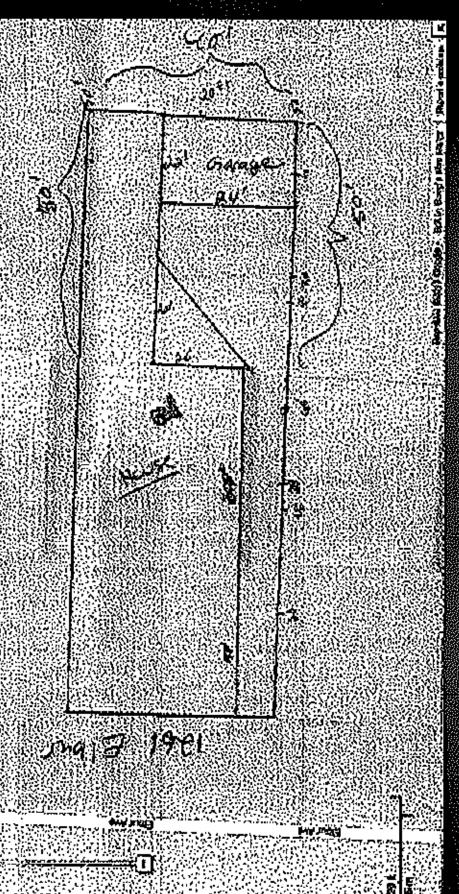




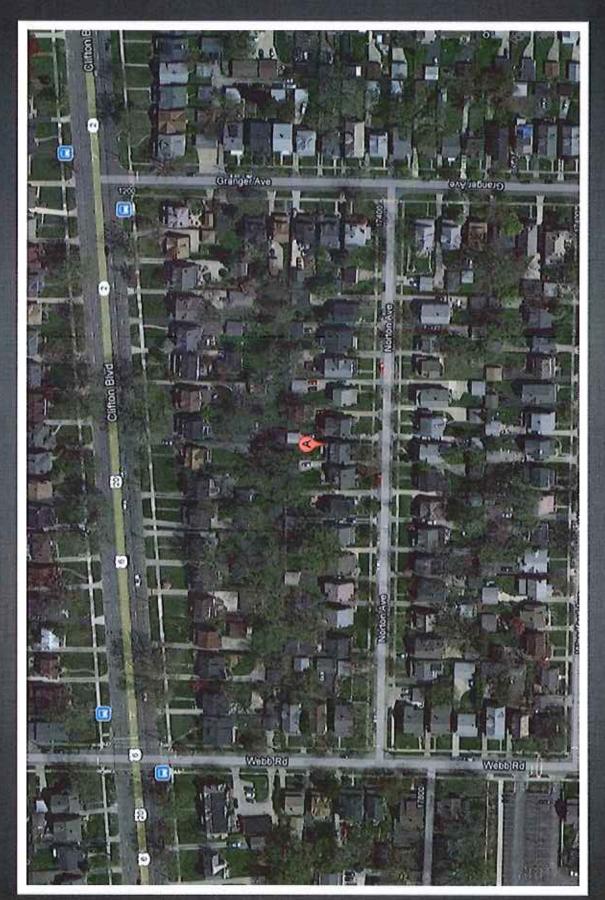




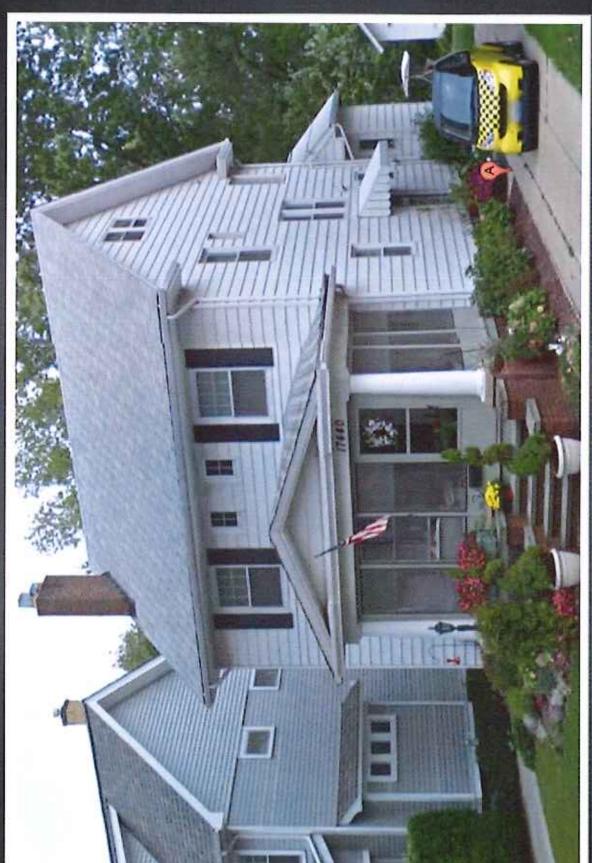


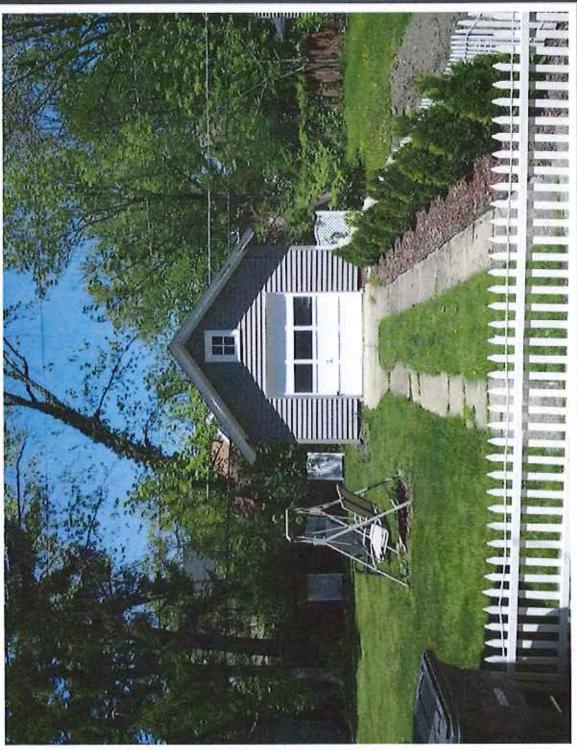


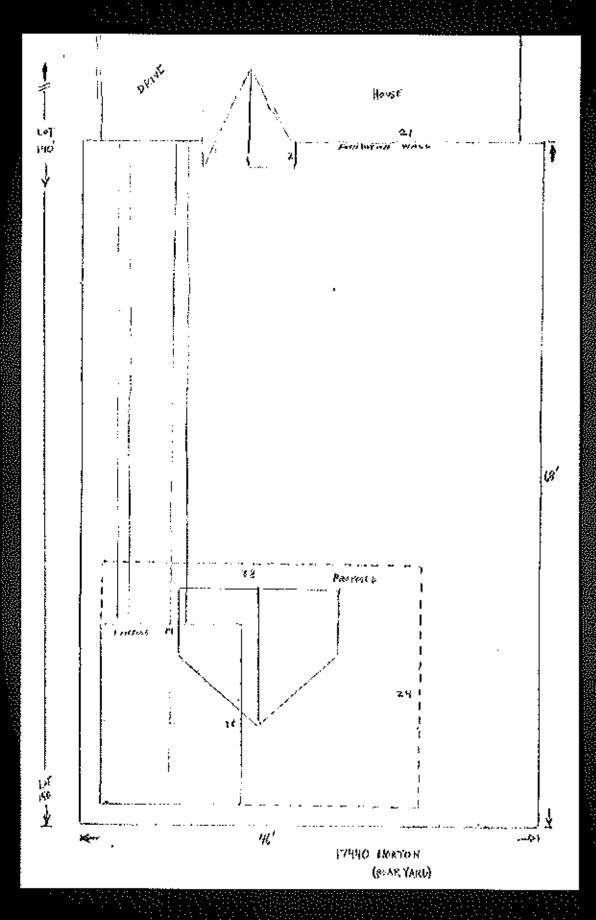




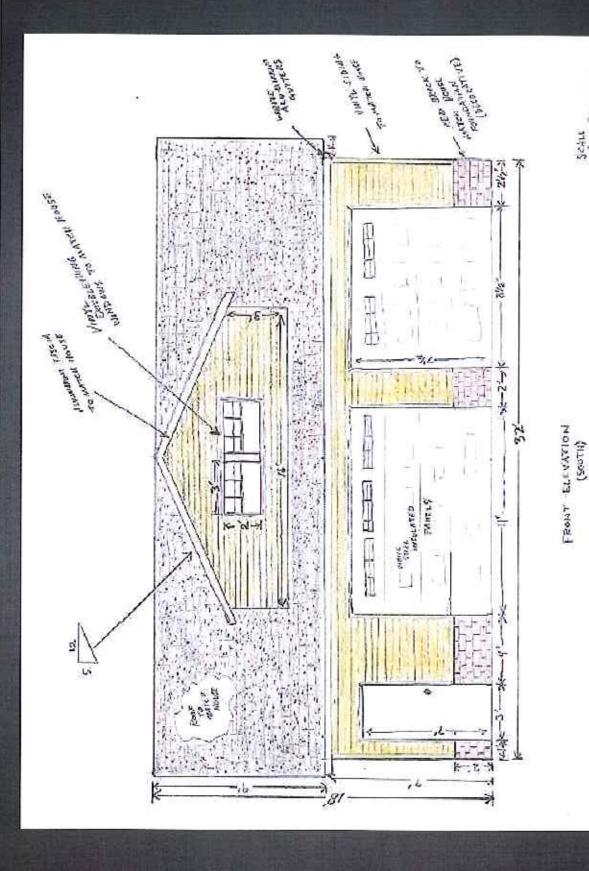


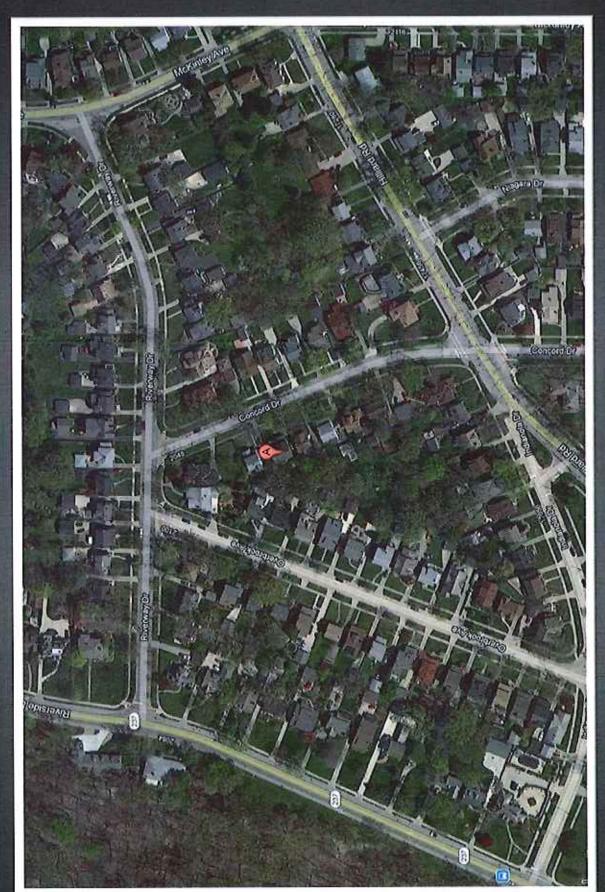




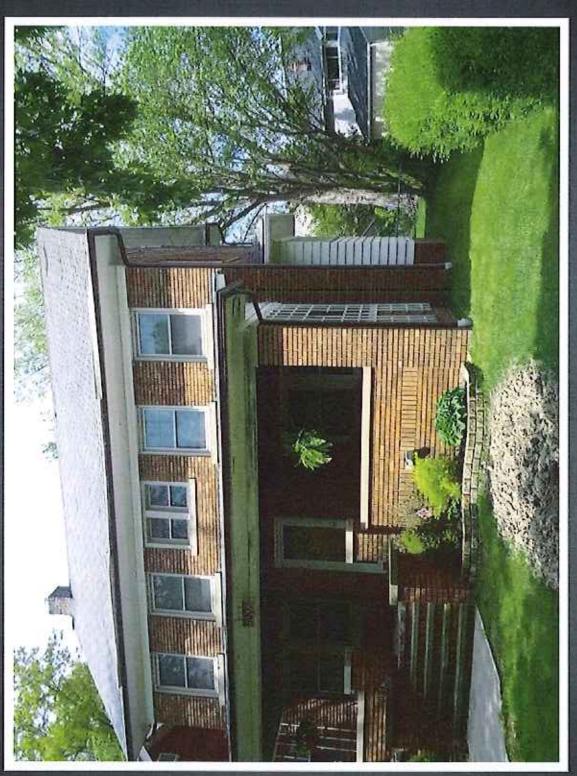




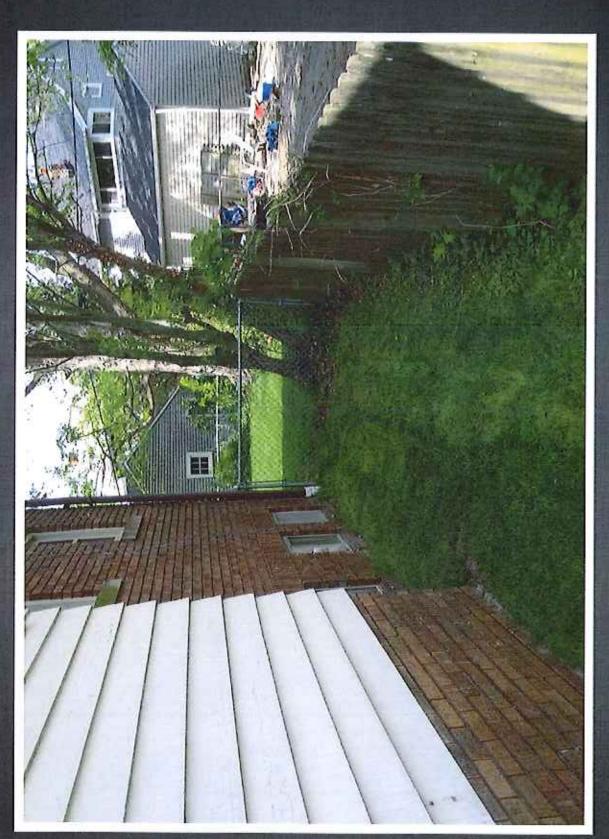


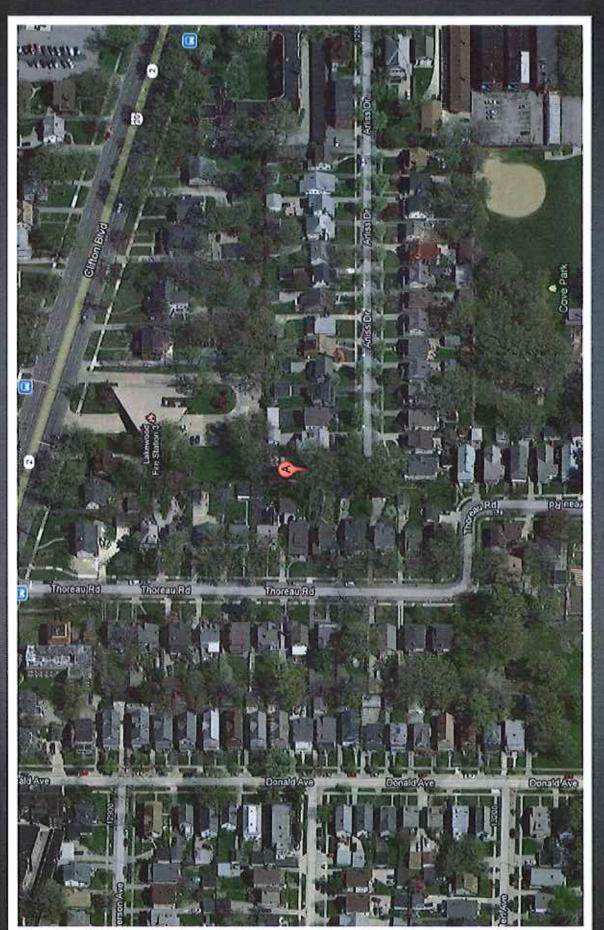


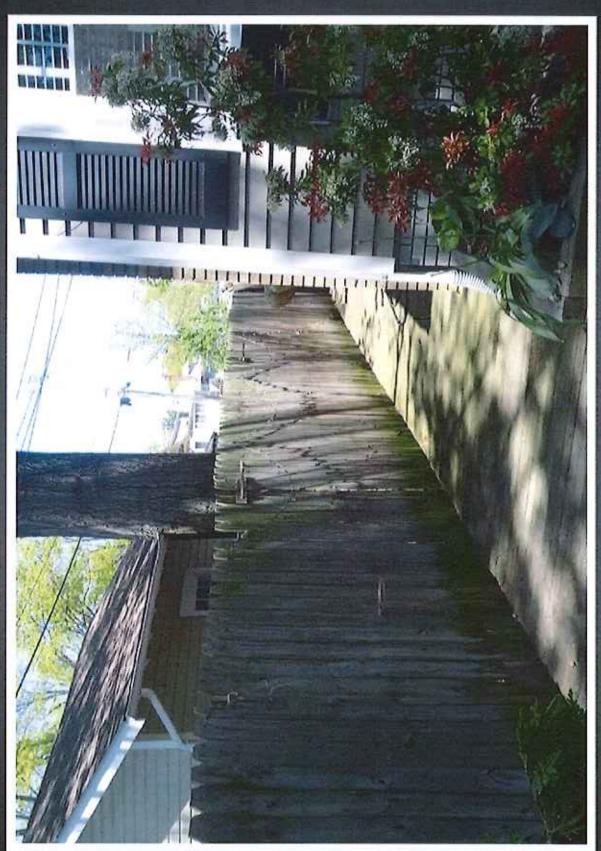


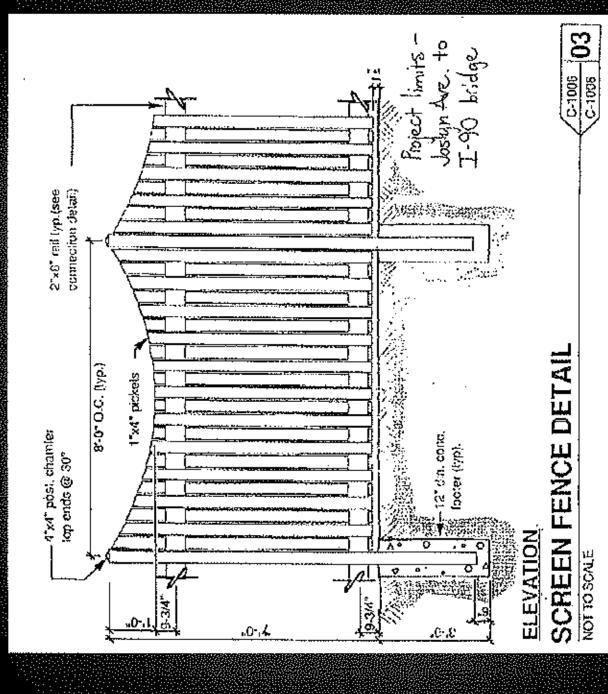








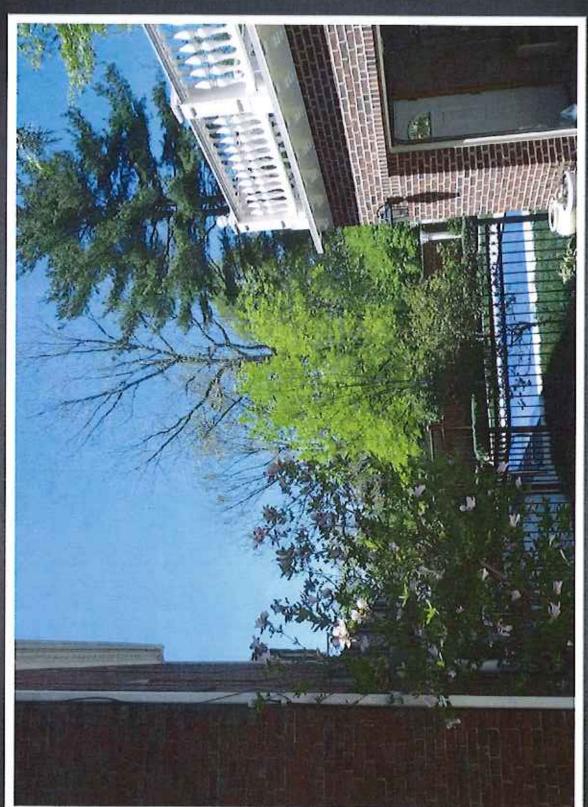


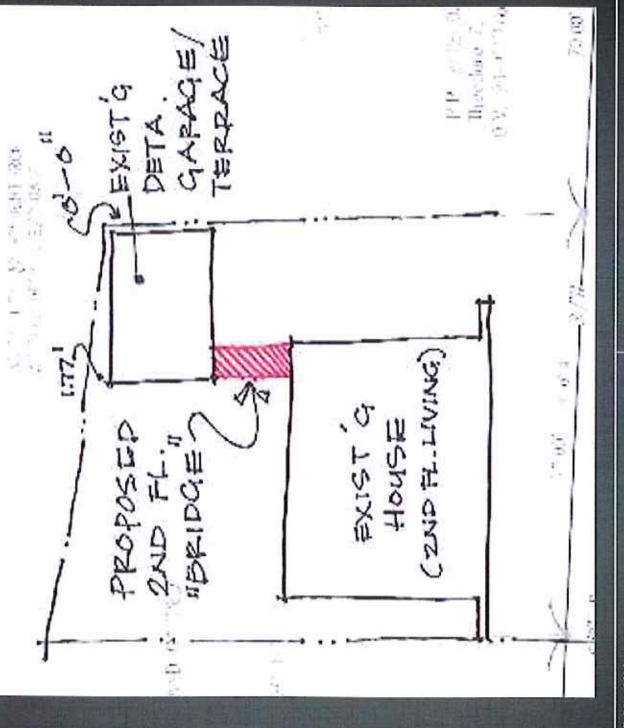








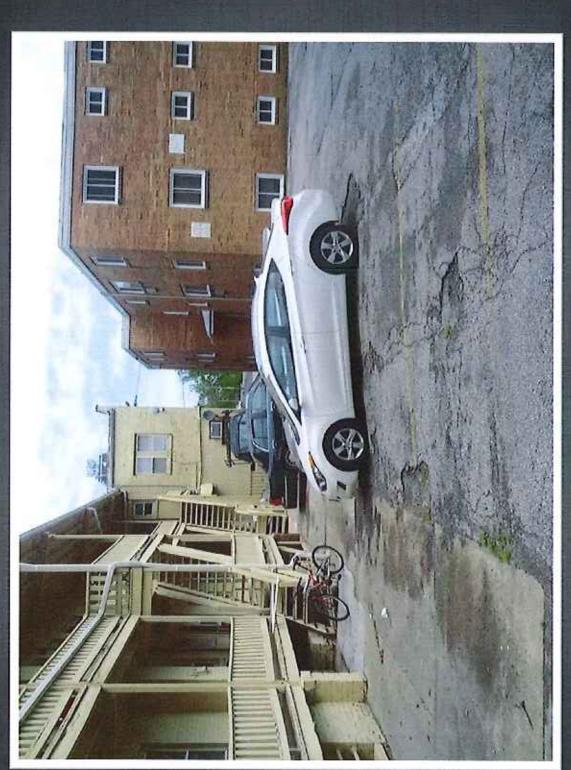






















Board of Zoning Appeals

May 2013



